

44-A-21

28-02

88 Danforth St.

R-6 Contract Zone (Coyne)

VMC Properties

on Spreadsheet

Coyne Contract Zone

CITY OF PORTLAND, MAINE  
CITY COUNCIL AGENDA REQUEST FORM

Passed  
UNAN

TO: Linda Cohen, City Clerk  
FROM: Alexander Jaegerman, Planning Division Director  
DATE: April 22, 2002  
SUBJECT: Agenda Request

PROP 5/20  
1st Read

- 1) Council Meeting at which action is requested (Date): First Reading: May 6, 2002  
Public Hearing: May 20, 2002
- 2) Can action be taken at a later date?  YES  NO

20  
June 3

Public Notice is scheduled to appear in the Portland Press Herald on May 6, 7 13 and 14, 2002 and posted in the City Clerk's Office on May 6, 2002 and 245 notices sent to area property owners.

I. SUMMARY OF ISSUE

VMC Properties is requesting an R-6 contract zone for a portion of the property located at 88 Danforth Street to allow an expansion of the existing laundromat use. Currently located on the site is a 2 1/2 story apartment building along with a one-story laundromat.

II. REASON FOR SUBMISSION (What issue/problem will this address?)

This site previously had a convenience store, which was a grandfathered nonconforming use for many years. In 1998, the applicant proposed a change of use from convenience store to laundromat. It was determined at that time that a laundromat was a less intensive use than a convenience store and was allowed. The applicant is now proposing a 243 sq. ft. addition to the rear of the laundromat for additional washers and dryers. This is an expansion of a nonconforming use and is not allowed in the R-6 zone. Also, the addition as proposed would not meet side and rear setbacks or parking requirements.

III. INTENDED RESULT (How does it resolve the issue/problem?)

To allow the applicant to provide additional washers and dryers to the laundromat use.

IV. FINANCIAL IMPACT

There are no known financial impacts to the City.

V. STAFF ANALYSIS & RECOMMENDATION

The Planning Board held a public hearing on April 9, 2002, at which time the Board voted 4-3 (Caron, Lowry, Beal against) to recommend the proposed R-6 contract rezoning for a portion of the property located at 88 Danforth Street, as shown on Attachment A1, to the City Council. The Planning Board Report is included as Attachment A.

Attachments:

- A. Planning Board Report #28-02

**PLANNING BOARD REPORT #28-02**

**88 DANFORTH STREET  
ZONE CHANGE REQUEST  
R-6 CONTRACT ZONE  
VMC PROPERTIES, INC., APPLICANT**

Submitted to:

Portland City Council  
Portland, Maine

April 23, 2002



**I. INTRODUCTION**

VMC Properties is requesting a R-6 contract zone for the property located at 88 Danforth Street to allow an expansion of the laundromat use. Currently located on the site is a 2 1/2-story apartment building along with a one-story laundromat.

**II. FINDINGS**

Current Zoning:	R-6 Residential
Proposed Zoning:	R-6 Residential Contract Zone
Land Area:	3,900 sq. ft.
Existing Use:	Laundromat Facility
Proposed Use:	Expansion to Laundromat Facility
Land Uses in the Vicinity:	The areas surrounding 88 Danforth Street are primarily residential, although the Catherine Morrill Day Nursery is located at 96 Danforth Street and the Victoria Mansion is located at the corner of Park and Danforth Streets.

**III. PROPOSED ZONE CHANGE**

As mentioned previously, VMC Properties is requesting a R-6 contract zone for the property located at 88 Danforth Street to allow an expansion of the laundromat use.

This site previously had a convenience store, which was a grandfathered nonconforming use for many years. In 1998, the applicant proposed a change of use from convenience store to laundromat. It was determined at that time that a laundromat was a less intensive use than a convenience store and was allowed. The applicant is now proposing a 243 sq. ft. addition to the rear of the laundromat for additional washers and dryers. This is an expansion of a nonconforming use and is not allowed in the R-6 zone. Also, the addition as proposed would not meet side and rear setbacks or parking requirements.

The site is approximately 3,900 sq. ft. and is located at the corner of Danforth Street and High Street. A portion of the lot includes an 8-unit apartment building on the corner of Danforth and High Streets (the laundromat is located in an addition that was constructed after the original building). This property is also located in the Western Promenade Historic District. If any external changes were to be made to either of these two buildings and visible from any street, they would be subject to Historic Preservation Review. A survey is included as Attachment A2.

**IV. ZONING POLICY ANALYSIS**

The applicant is requesting this contract zone to allow an expansion of a nonconforming use. The issues are 1) laundromat uses are not allowed in the R-6 zone, 2) the proposed expansion does not meet the rear and side setbacks, and 3) the proposal requires one additional parking space, which the applicant cannot provide.

Given the unique restrictions of this site and history of the use, the Planning Board determined that a contract zone might be an appropriate method to allow the expansion of the laundromat.

While the R-6 zone does not permit retail uses, the Transportation Plan does encourage the location of services within walking distance of neighborhoods. One of the policies under Neighborhood Land Use in *A Time of Change: Portland Transportation Plan* states:

*"Vibrant neighborhoods include nearby, small-scale commercial areas that provide both convenient service and natural meeting places. Routine, daily services should be within walking distance of residents of all neighborhoods, as long as the businesses providing the services are small-scale, are designed compatibly with residents, and fit into the fabric of the neighborhood."*

In spite of the setback and parking issues, the laundromat does serve an important function in the neighborhood and the parcel has historically provided the neighborhood with goods and services.

#### V. CONDITIONS FOR REZONING

This rezoning shall be subject to the following proposed conditions, as outlined in the executed agreement between the City and the applicant. Attachment 3 is the proposed contract.

1. The CITY shall amend the Zoning Map of the City of Portland, dated December 2000 as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by §14-49 of the Portland City Code, by adopting the map change amendment shown on Attachment 1.
2. The DEVELOPER shall be authorized to construct an addition for an expansion of the existing laundromat use. Such addition shall not exceed two hundred and forty three (243) square feet in area, as shown on Attachment 2. ✓
3. The use will consist of a Laundromat use with coin-operated washers and dryers, wash and fold drop-off/pick-up service, dry-cleaning drop-off/pick-up service, ATM machine, and detergent and snack vending machines. ✓
4. The DEVELOPER will not be required to provide an additional one (1) parking space required for the expansion. ✓
5. The setbacks of the expansion shall be limited as follows: Rear Setback shall be no less than 4.0 feet from the southwesterly rear property line and 4.6 feet from the northeasterly rear property line; Side Yard Setback shall be no less than .5 feet from the southwesterly side yard line and no less than 2.5 feet from the northeasterly side yard line. ✓
6. Unless otherwise herein superceded, the provisions of §14-135 through 14-140 of the Portland City Code shall apply to this development.
7. In the event the development described herein is not commenced within five (5) years from the date of this contract rezoning, this contract shall become null and void.

The Planning Board also recommended that the contract zone be for the area of the building and site that the Laundromat use is located on, which does not include the apartment building. The proposed map change is included as Attachment A1.

#### VI. STAFF ANALYSIS AND RECOMMENDATION

The Transportation Plan encourages the location of services within walking distance of neighborhoods. Mr. Coyne's Laundromat is a small-scale business, serving an important role in the neighborhood. The addition will increase the viability of the use, according to the applicant. Staff therefore finds the contract zone to be compatible with the uses of the R-6 zone and consistent with the policies of the comprehensive plan.

#### VII. PLANNING BOARD RECOMMENDATION

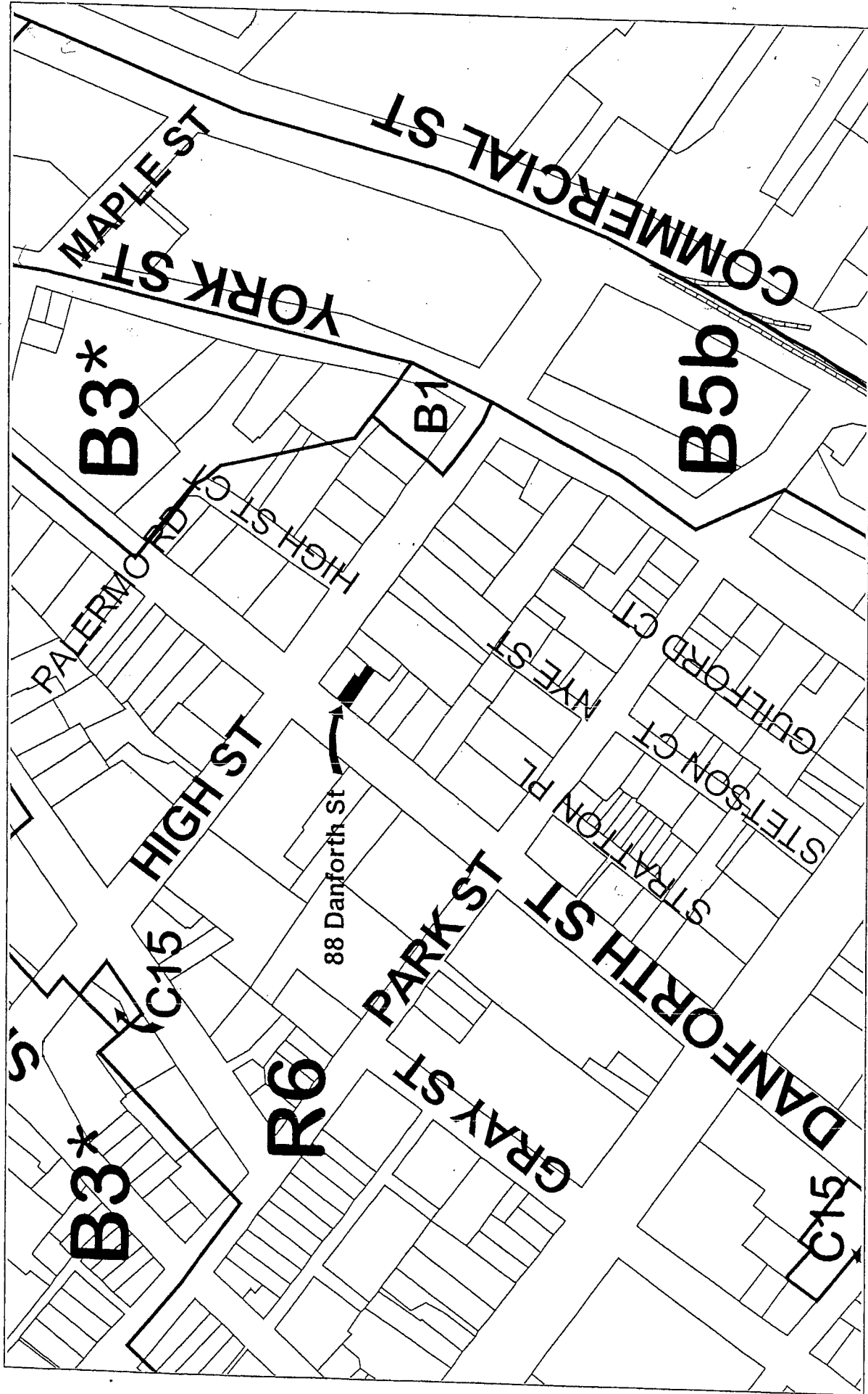
The Planning Board held a public hearing on April 9, 2002, at which time the Board vote 4-3 (Caron, Lowry, Beal against) to recommend the proposed R-6 contract rezoning for a portion of the property located at 88 Danforth Street, as shown on Attachment A1, to the City Council. The Planning Board Report is included as Attachment A.

#### Attachments:

1. Proposed Zone Map
2. Survey
3. Proposed Contract
4. Applicant's Submittal
5. Neighborhood Meeting Notice and Sign-Up Sheet

*give arguments*

*Summary Pro + con*



### Area Proposed for Zone Change from R-6 to Contact Zone

88 Danforth Street

100 0 100 200 Feet



Coyne Rezoning  
88 Danforth Street  
3/21/02

**Coyne Laundromat  
88 Danforth Street, Portland, Maine**

This document is an Agreement made by **COYNE LAUNDROMAT**, (hereinafter referred to as the "PROPERTY," or "COYNE LAUNDROMAT" or the "DEVELOPER") a corporation with a business address of 88 Danforth Street, Portland, Maine 04101.

WHEREAS, COYNE LAUNDROMAT) requested a rezoning of a portion of the property at 88 Danforth Street, in the CITY of PORTLAND, a Maine municipality located in Cumberland County and State of Maine ("CITY" or "Portland") in order to permit a small expansion of its laundromat facilities; and

WHEREAS, COYNE LAUNDROMAT property is shown on Portland Assessor's Parcels: Map 44, Block A, Lot 21 ("Property"): and

WHEREAS, the Portland Planning Board, pursuant to 30-A M.R.S.A. §4352(8), and after notice and hearing and due deliberations, recommended the rezoning of the PROPERTY, subject, however, to certain conditions; and

WHEREAS, the CITY, by and through its City Council, has determined that the rezoning would be pursuant to and consistent with the CITY'S comprehensive plan and would not unreasonably interfere with the existing and permitted uses within the underlying R-6 zone; and

WHEREAS, the CITY has determined that because of the unusual nature of the proposed development it is necessary or appropriate to impose the following conditions or restrictions in order to insure that the rezoning is consistent with the CITY's comprehensive land use plan;

NOW, THEREFORE, in consideration of the zone change made by the CITY, COYNE LAUNDROMAT hereby agrees as follows:

1. The CITY shall amend the Zoning Map of the City of Portland, dated December 2000 as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by §14-49 of the Portland City Code, by adopting the map change amendment shown on Attachment 1.

Coyne Rezoning  
88 Danforth Street  
3/21/02

2. The DEVELOPER shall be authorized to construct an addition for an expansion of the existing laundromat use. Such addition shall not exceed two hundred and forty three (243) square feet in area, as shown on Attachment 2.
3. The use will consist of a Laundromat use with coin-operated washers and dryers, wash and fold drop-off/pick-up service, dry-cleaning drop-off/pick-up service, ATM machine, and detergent and snack vending machines.
4. The DEVELOPER will not be required to provide an additional one (1) parking space required for the expansion.
5. The setbacks of the expansion shall be limited as follows: Rear Setback shall be no less than 4.0 feet from the southwesterly rear property line and 4.6 feet from the northeasterly rear property line; Side Yard Setback shall be no less than .5 feet from the southwesterly side yard line and no less than 2.5 feet from the northeasterly side yard line.
6. Unless otherwise herein superceded, the provisions of §14-135 through 14-140 of the Portland City Code shall apply to this development.
7. In the event the development described herein is not commenced within five (5) years from the date of this contract rezoning, this contract shall become null and void.

The above stated restrictions, provisions, and conditions are an essential part of the rezoning, shall run with the **PROPERTY**, shall bind and benefit the DEVELOPER, and any of its successors and assigns, and shall inure to the benefit of and be enforceable by the **CITY**, by and through its duly authorized representatives. COYNE LAUNDROMAT shall file a copy of this Agreement in the Cumberland County Registry of Deeds, along with a reference to the Book and Page locations of the deeds for the **PROPERTY**.

Att. 3b

Coyne Rezoning  
88 Danforth Street  
3/21/02

If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such determination shall not affect the validity of the remaining portions hereof.

Except as expressly modified herein, the development, use, and occupancy of the subject premises shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

In the event that COYNE LAUNDROMAT or any successor fails to continue to utilize the **PROPERTY** in accordance with this Agreement, or in the event of a breach of any condition(s) set forth in this Agreement, the Planning Board shall have the authority, after hearing, to resolve the issue resulting in the breach. The resolution may include a recommendation to the City Council that the Agreement be terminated requiring cessation of the use of the addition authorized herein.

**WITNESS:**

**CITY OF PORTLAND**

\_\_\_\_\_

By \_\_\_\_\_  
Joseph E. Gray  
City Manager

**WITNESS:**

**COYNE LAUNDROMAT**

Coyne Rezoning  
88 Danforth Street  
3/21/02

AH. 3C

By \_\_\_\_\_

Vincent Coyne  
Owner





APPLICATION FOR ZONING AMENDMENT  
 City of Portland, Maine  
 Department of Planning and Urban Development  
 Portland Planning Board

AH-4

1. Applicant Information:

Vincent M. Coyne  
 Name

51 Woodfield Road  
 Address

Portland, Maine

773 5844      —  
 Phone                                      Fax

2. Subject Property:

88 Danforth St.  
 Address

Danforth St - 86-88

44-A-21  
 Assessor's Reference (Chart-Block-Lot)  
 ACC # 000006364

3. Property Owner:     Applicant     Other

VMC Properties, Inc.  
 Name

51 Woodfield Road  
 Address

Portland, Maine

773 5844  
 Phone                                      Fax

Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:

Owner + President VMC Properties, Inc

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)

Vicinity Map: Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.)

6. Existing Use:

Describe the existing use of the subject property: 88 Danforth St. is now used as a Att. 4a  
Self Service Laundromat + fully attend laundry with wash +  
Fold Service + Drop off drycleaning (No drycleaning done on premises)

7. Current Zoning Designation(s): R6

8. Proposed Use of Property: Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.

We need to add washers + Dryer to meet the neighborhood  
Demand, 99% of our <sup>business</sup> ~~business~~ is from local APARTMENTS.  
The neighborhood needs the extra machines.

To do this we must build on to 88 Danforth St. AN  
addition of 15x18 on rear of build. This addition  
would NOT be seen from Danforth or High St.

We own both 92 Danforth St. + 52 High St.  
The addition was to be Phase two of the original Permit.

9. Sketch Plan: On a separate sheet please provide a sketch plan of the property, showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1"=10' to 1"=100')

10. Proposed Zoning: Please check all that apply:

A.  Zoning Map Amendment, from \_\_\_\_\_ to \_\_\_\_\_

B.  Zoning Text Amendment to Section 14- \_\_\_\_\_

For Zoning Text Amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (example), and language to be added is depicted with underline (example).

C.  Conditional or Contract Zone

A conditional or contract rezoning may be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan and compatible with the surrounding neighborhood. (Please refer to Division 1.5, Sections 14-60 to 62)

11. **Application Fee:** A fee for this application for a zoning amendment must be submitted, by check payable to the City of Portland in accordance with Section 14-54 of the Municipal Code (see below). The applicant also agrees to pay all costs of publication (or advertising) of the Public Hearing Notice as required for this application. Such amount will be billed to the applicant following the appearance of the advertisement.

	<u>1-25 Units</u>	<u>26-50 Units</u>	<u>51-75 Units</u>	<u>75 &amp; Over</u>
Residential Zones	\$350.00	\$400.00	\$450.00	\$500.00
Nonresidential Zones	\$350.00	\$400.00	\$450.00	\$500.00
	0-15,000 sq. ft. or 0-5 acres (whichever is less)	15,000-30,000 sq. ft. or 6-10 acres (whichever is less)	30,000-45,000 sq. ft. or 10-15 acres (whichever is less)	45,000-60,000 sq. ft. or 15-20 acres (whichever is less)

Att. 46

- Legal Advertisements (one for workshop and one for public hearing) percent of total bill
- Notices (one for workshop and one for public hearing) 40 cents each
- Text Amendments \$300.00

\_\_\_\_\_ Amount of Fee

12. **Signature:** The above information is true and accurate to the best of my knowledge.

\_\_\_\_\_ Date of Filing

\_\_\_\_\_ Signature of Applicant

**Further Information:**

Please contact the Planning Office for further information regarding the rezoning process. Applicants are encouraged to make an appointment to discuss their rezoning requests before filing the application.

Applicants are encouraged to include a letter or narrative to accompany the rezoning application which can provide additional background or context information, and describe the proposed rezoning and reasons for the request in a manner that best suits the situation.

In the event of withdrawal of the zoning amendment application by the applicant in writing prior to the submission of the advertisement copy to the newspaper to announce the public hearing, a refund of two-thirds of the amount of the zone change fee will be made to the applicant by the City of Portland.

Portland Planning Board  
Portland, Maine

Effective: July 6, 1998

High St

Att. 4 C Lot line

Parking

8 unit apt.  
52 High St

88 Danforth St.

15 ft

NEW

18 ft.

39'

Fence

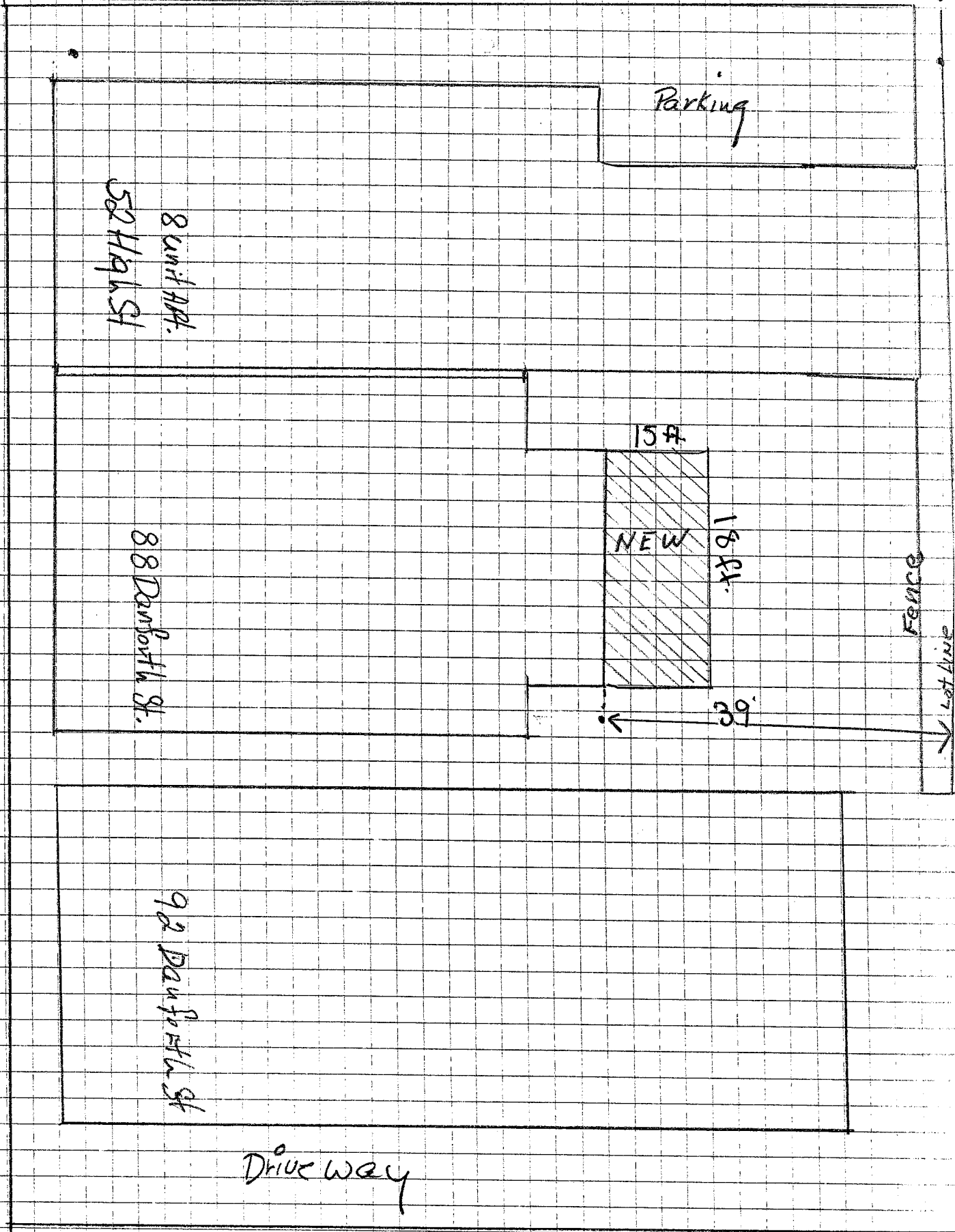
Lot line

Danforth St

92 Danforth St

Driveway

Park St



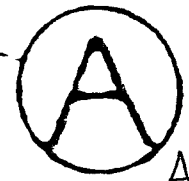
STREET

STREET 40-8

Vincent Coyne  
VMC Properties  
52 High  
88 Danforth  
98 " "

11071

11



PH.40

11071

161

11071

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11071

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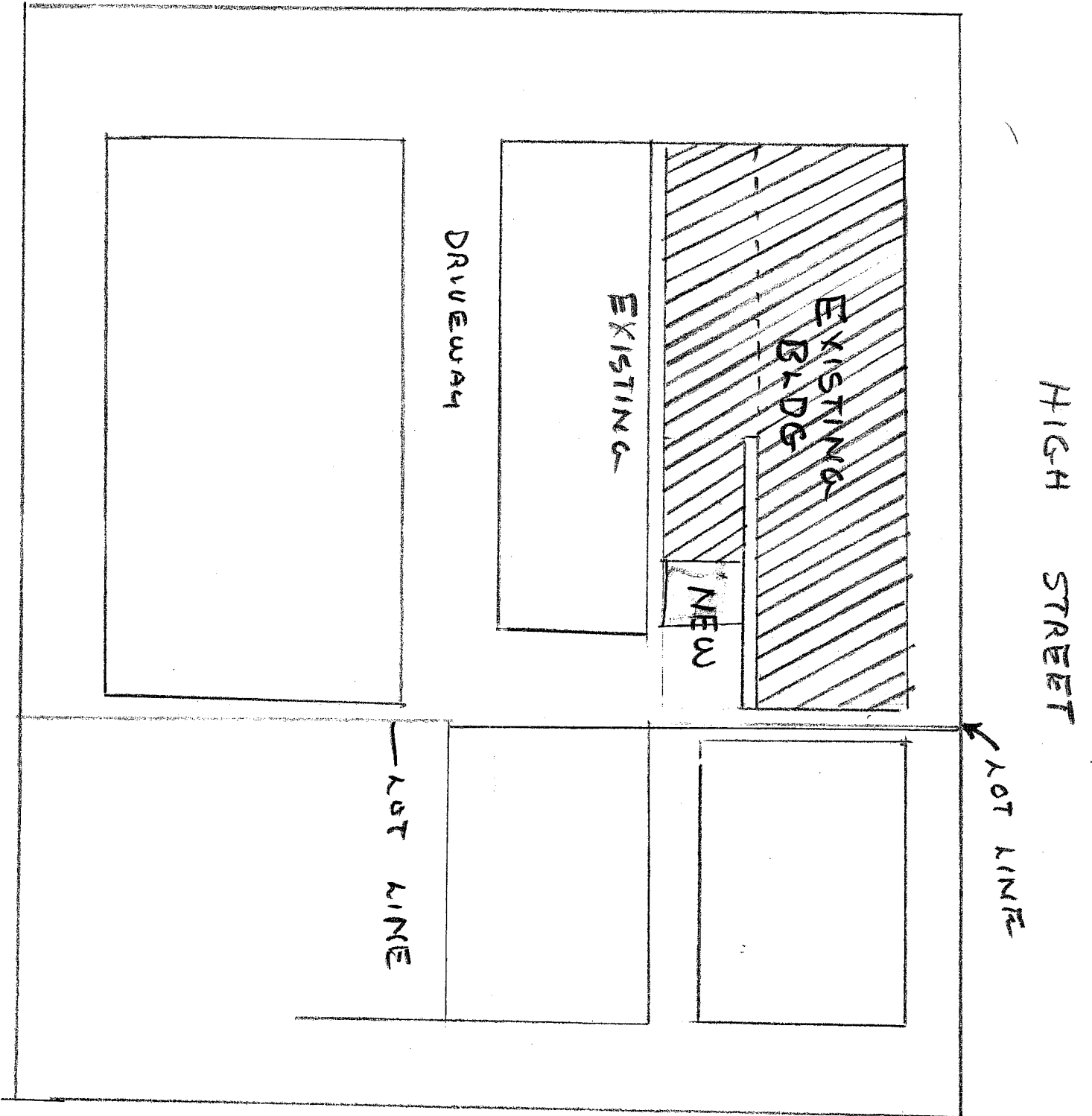
2735

23



DANFORTH STREET

Att. 4e



Peoples Heritage Bank, N.A.

One Portland Square  
P.O. Box 9540  
Portland, ME 04112-9540

1-800-462-3666  
Tel: 207-761-8500

Att. 4 f

September 21, 2000



Vincent Coyne  
Coyne's Laundromat  
88 Danforth Street  
Portland, ME 04102

Dear Vinnie:

Enclosed please find the legal description for the property located at 52 High and 88 Danforth Streets, as you requested.

As you may recall, the Bank initially refinanced outstanding debt on this property. Therefore, we do not have a copy of the warranty deed on file here. If you need a copy, the registry would be a good place to obtain one.

If you have any questions, please call me at 828-7276, or, Mike at 761-8657.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Rhonda".

Rhonda Wronski  
Commercial Loan Administrator to  
Michael P. O'Reilly

/rw  
enclosure

BK 12289 PG 204

AH. 49

SCHEDULE A

A certain lot or parcel of land, with the buildings thereon, situated on the southwesterly corner of High and Danforth Streets in said Portland, and bounded and described as follows:

Commencing at the southwesterly corner of High Street and Danforth Street; thence southwesterly by said Danforth Street about fifty-six (56) feet to land now or formerly of said Jacob McLellan; thence southeasterly by land now or formerly of said McLellan about seventy (70) feet to land now or formerly of Peter Hanna; thence northeasterly by land now or formerly of said Hanna fifty-six (56) feet, more or less, to said High Street, thence northwesterly by said High Street seventy (70) feet, more or less, to the point of beginning.

Said premises having the street addresses of both 52 High Street and 88 Danforth Street, Portland, Maine.

RECEIVED  
RECORDED REGISTRY OF DEEDS

95 DEC 29 PM 4:03

CUMBERLAND COUNTY

*John B. O'Brien*



33114  
 Known All Men by These Presents, *Att. 4h*

That The Catherine Morrill Day Nursery, a charitable

Corporation organized and existing under the laws of the State  
 of Maine and located at Portland  
 in the County of Cumberland and State of Maine

in consideration of one dollar and all other valuable considerations

paid by The Seigal Corporation, a corporation organized and  
 existing under the laws of the State of Maine and located in  
 Portland, County of Cumberland and State of Maine,

the receipt whereof it does hereby acknowledge, does hereby remise,  
 release, bargain, sell and convey and Surrender Quit-Claim unto the said

Seigal Corporation, its successors heirs and assigns forever,

The right to use in common with the Grantor and others a right  
 of way over the easterly side of land now owned by the Grantor  
 at 94 Danforth Street, Portland, Maine, more particularly bounded  
 and described as follows:

Commencing at a point on the southerly side of Danforth Street  
 at the northeasterly corner of the Grantors land described in  
 deed of Richard P. Waltz, et al to Grantor recorded in Cumberland  
 County Registry of Deeds, in Book 2898, Page 377, and thence  
 running along the southerly side of Danforth Street in a westerly  
 direction a distance of six (6) feet, to a point; thence making  
 an angle with Danforth Street and running along a line parallel  
 with the easterly side line of said land of the Grantor in a  
 southerly direction a distance of 103.9 feet, more or less, to  
 a point in the northerly line of land now or formerly of the Heirs  
 of Samuel Whittier; thence along said northerly line of Whittier  
 land in an easterly direction a distance of six (6) feet more  
 or less, to the westerly line of land now of Grantee and which  
 line is the westerly side of the two (2) foot right of way  
 which is this day being set forth by said Grantee; thence making  
 an angle and running in a northerly direction a distance of 103.9  
 feet, more or less, to the point of beginning.

This right of way is to be used in conjunction with a two (2)  
 foot adjoining right of way being set forth by deed of even date  
 herewith of the Grantee. Said right of way is to be used for  
 foot and vehicular traffic by the Grantors, their heirs and  
 assigns, and the Grantees and their heirs and assigns; provided  
 however, that there shall be no parking of vehicles on said  
 right of way between 8:00 a.m. and 5:30 p.m. on weekdays  
 by Grantors or Grantees, their heirs, assigns, successors or  
 invitees, other than for delivery or pick up of goods and materials.

It is also hereby confirmed that no structure is now existing  
 and to the best of Grantor's knowledge, has never existed on  
 said six (6) foot right of way since November 1, 1920, the date  
 that said way was created by Frank W. Sparrow.

Att. 41

121

Us here and to hold the same, together with all the privileges and appurtenances thereunto belonging, to it the said

Seigal Corporation, its successors ~~XXXX~~ Heirs and Assigns forever. And the said Grantor Corporation does covenant with the said

Seigal Corporation, its successors Heirs and Assigns, that it will Warrant and Warrant Heirs the said premises to it the said Grantee, its successors ~~XXXX~~ and Assigns forever, against the lawful claims and demands of all persons claiming by, through, or under it.

In Witness Whereof, the said The Catherine Morrill Day Nursery

has caused this instrument to be sealed with its corporate seal and signed in its corporate name by

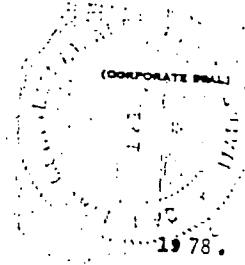
Susan B. Dana, its President

thereunto duly authorized, this 25th day of October in the year one thousand nine hundred and seventy-eight.

Signed, Sealed and Delivered in presence of

Jessie L. Delafield

THE CATHERINE MORRILL DAY NURSERY  
By Susan B. Dana  
Its President



State of Maine, Cumberland ss. October 25, 1978.

Personally appeared the above named Susan B. Dana

President of said Grantor Corporation

as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of said corporation.

Before me,

Jessie L. Delafield  
Justice of the Peace

NOV 2 1978  
REGISTRY OF DEEDS, CUMBERLAND COUNTY, MAINE  
Received at 8 E 31 N.A.M. and recorded in  
BOOK 4334 PAGE 120  
Leah S. Tibbitts DEPUTY Register

021099

## CORRECTIVE QUITCLAIM DEED

Att. 4 J

Fleet Bank of Maine of Portland, Maine, FOR CONSIDERATION PAID, hereby releases to VMC Properties, Inc., a Maine corporation with a mailing address of 51 Woodfield Road, Portland, Maine 04102, the following described real property located in the City of Portland, County of Cumberland and State of Maine:

A certain lot or parcel of land with the buildings thereon situated on the southwesterly side of Danforth Street in Portland in the County of Cumberland and State of Maine, being bounded and described as follows:

Beginning at a stake set in the ground on said southeasterly side of said Danforth Street at the northerly corner of a certain lot of land conveyed by Jacob McLellan Horne *et al.* to Charles H. Plumstead by deed dated June 11, 1919, and recorded in the Cumberland County Registry of Deeds in Book 1027, Page 323; thence running northeastwardly by the southeasterly side of said Danforth Street thirty-seven (37) feet and eight (8) inches, more or less, to land now or formerly of Edward Hasty; thence southeasterly by said Hasty land about seventy (70) feet to land now or formerly of Winthrop S. Jordan; thence southwestwardly by said Jordan land about twenty-five (25) feet to the westerly corner thereof; thence again southeastwardly by said Jordan land about thirty-three (33) feet nine (9) inches to land now or formerly of the heirs of Samuel Whittier; thence again southwestwardly by said last mentioned land to the easterly corner of said land conveyed to said Plumstead; thence northwestwardly by said Plumstead land to the point of beginning. Being the same premises 90 to 92 on said Danforth Street.

Also conveying hereby the right to use the right-of-way between the premises conveyed herein and the building located at 94 Danforth Street, now owned by the Catherine Morrill Day Nursery, as more fully set forth in deeds transferred between the Seigal Corporation and said Day Nursery dated October 25, 1978, and recorded at said Registry of Deeds in Book 4334, Pages 118 and 120.

This conveyance is subject to the right of said Day Nursery to use, as part of the above-mentioned right-of-way, two feet (2') of the westerly side of the premises conveyed herein, said right-of-way being comprised of two feet (2') of land of the grantors herein and six feet (6') of land of said Day Nursery.

This conveyance is further made subject to the rights and easements set forth in deed of Vincent M. Coyne *et al.* to Wolf Partnership dated March 4, 1986, and recorded in said Registry of Deeds in Book 7088, Page 45.

This is to confirm a prior deed from Fleet Bank of Maine to Kenneth S. Ray, Inc. by deed of Fleet Bank of Maine dated December 15, 1992, and recorded on December 23, 1992, in the Cumberland County Registry of Deeds in Book 10477, Page 345.

WITNESS my hand and seal this 11 day of February 1997.

AH. 4 K

Jane D. Buro  
Witness

FLEET BANK OF MAINE  
By: Norman P. Patenaude  
Its: VP President

STATE OF MAINE  
Cumberland, ss.

February 11, 1997

Personally appeared the above-named Norman L. Whipple of Fleet Bank of Maine and acknowledged the foregoing instrument to be his/her/their free act and deed.  
Before me,

Jane J. Helogard  
Notary Public/Attorney at Law  
STATE OF MAINE  
NOTARY PUBLIC MAINE  
MY COMMISSION EXPIRES JANUARY 14, 2004  
print name

SEAL

RECEIVED  
RECORDED REGISTRY OF DEEDS

97 APR 30 PM 3:42

CUMBERLAND COUNTY

John B. O'Brien

BEAGLE, PEARCE & RIDGE  
ATTORNEYS AT LAW

C. ALAN BEAGLE  
MICHAEL J. PEARCE  
MARTIN J. RIDGE  
FREDERICK L. LIPP  
JACQUELYN M. KURZ  
PAULA M. CRAIGHEAD

AH. 4L

24 CITY CENTER  
P.O. BOX 7044  
PORTLAND, MAINE 04112  
(207) 773-1751  
FAX (207) 775-3382

May 21, 1997

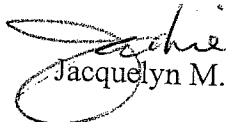
Vincent M. Coyne  
VMC Properties  
51 Woodfield Road  
Portland, Maine 04102

Re: VMC Properties - Corrective Quitclaim Deed

Dear Vincent:

Enclosed for your file please find a copy of the Corrective Quitclaim Deed from Fleet Bank, which was recorded in the Cumberland County Registry of Deeds in Book 13056, Page 87 on April 30, 1997.

Very truly yours,

  
Jacquelyn M. Kurz

JMK/db  
Enclosure

F:\DOCUMENTS\CCT\COYNE.VIN\COYNE.LTR

Zoning Division  
Marge Schmuckal  
Zoning Administrator



AH. 4M  
Department of Urban Development  
Joseph E. Gray, Jr.  
Director

## CITY OF PORTLAND

VMC Properties, Inc.  
51 Woodfield Road  
Portland, ME 04102

September 29, 1998

RE: 86-88 Danforth Street - R-6 Zone - 044-A-021

Dear Vinny,

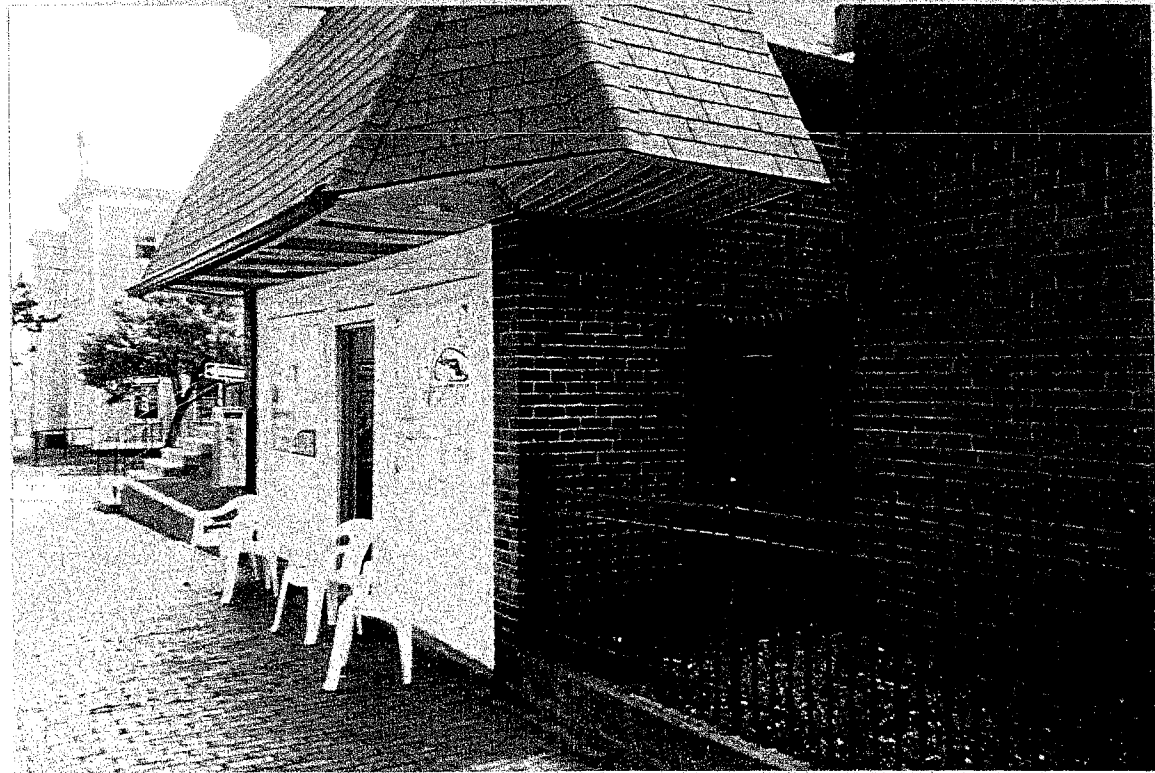
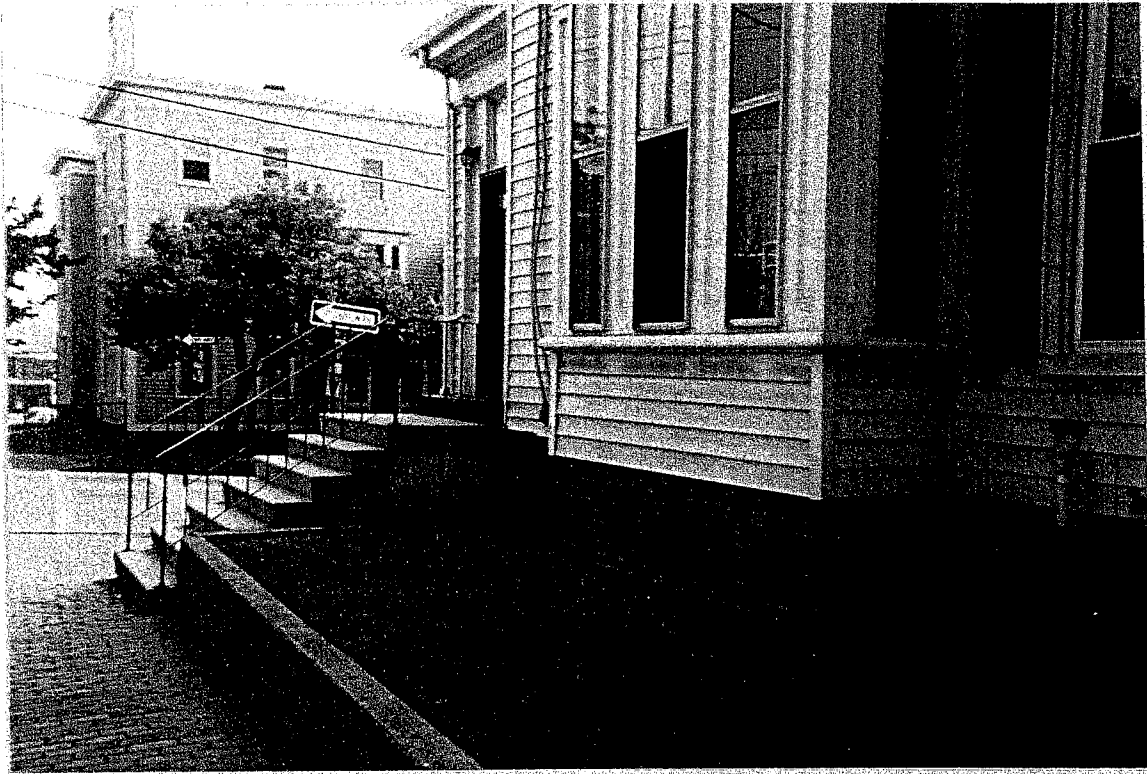
As we discussed yesterday, I have been revisiting section 14-384 titled "Change of Nonconforming Use". After several discussions with our Corporation Counsel, I now believe that by Ordinance, I would be able to issue a permit to change the use from a retail store to a personal service of a laundromat. We will be looking forward to your submittal. Please note that you will need separate permits for electrical, plumbing, and new signage.

Very Truly Yours,

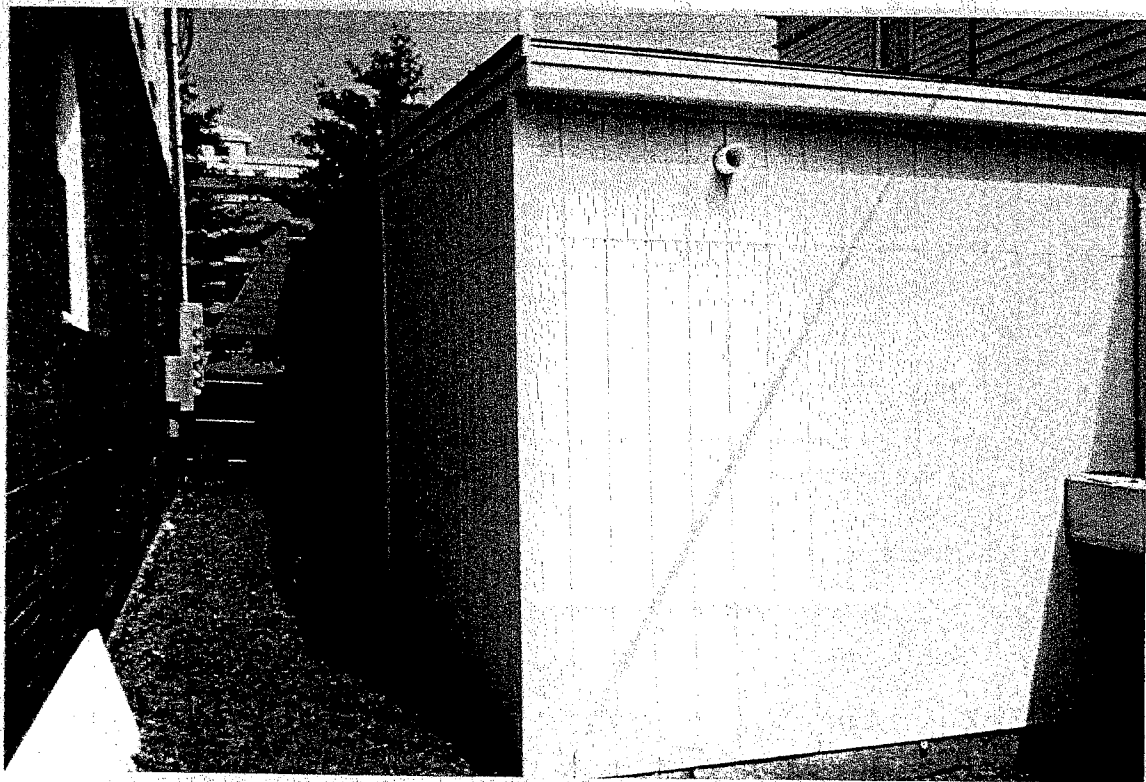
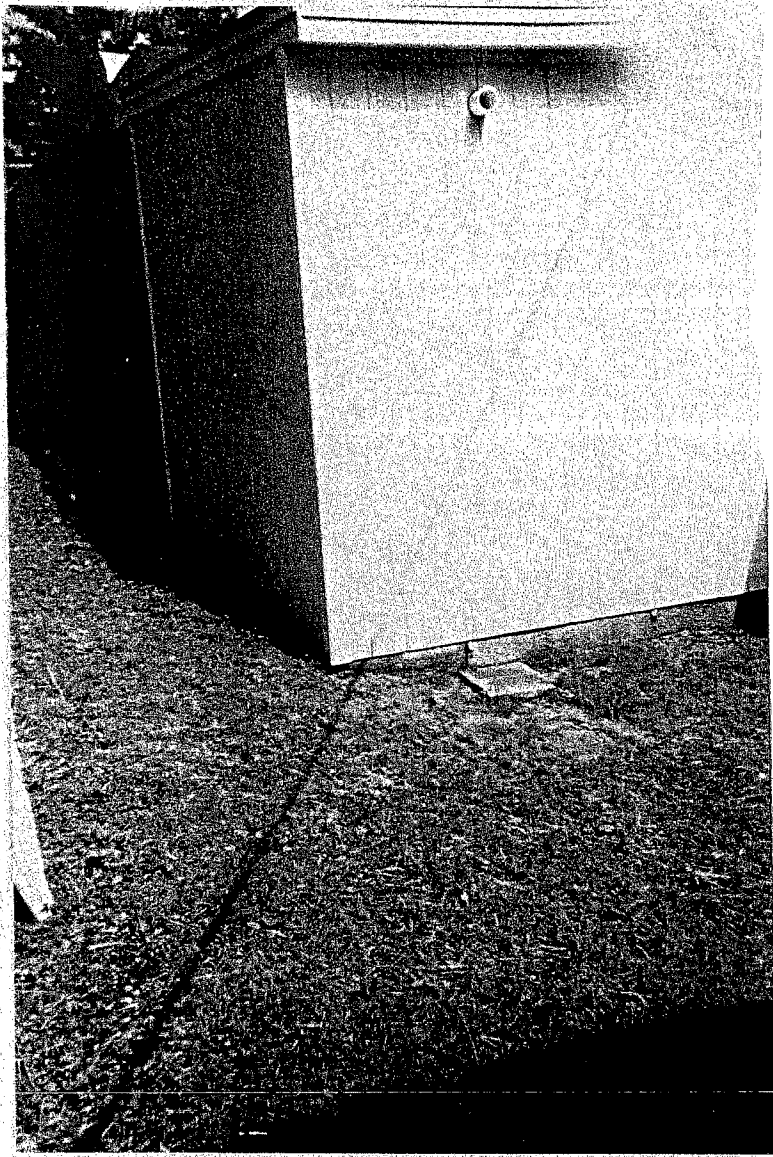
Marge Schmuckal  
Zoning Administrator

cc: Mark Adelson, Housing & Neighborhood Services  
File

AH.417



Att. 40





Coyne's Laundromat  
88 Danforth St.  
Portland, Maine 04101  
1-207-871-5744

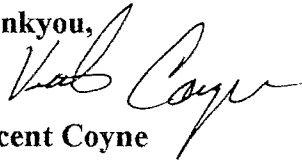
January 14, 2002

Hi Neighbor,

We are holding a informational meeting about the our 270' sq..ft. addition to the rear of the Laundromat for additional washers and dryers.

The meeting will be at the Laundromat on Sunday January 20<sup>th</sup> 2002 at 7:15 PM. For more information call Vinny at 1-207-871-5744.

Thankyou,



Vincent Coyne

Neighborhood Meeting: About Coyne's Laundry Addition  
for Washers + Dryers.

January 20, 2007 Sunday evening

AH.5a

People Attending

Print NAME

Signature

Vincent M. Coyne

Vincent M. Coyne

7:18 PM OPEN Meeting -

Margaret A. Coyne

No one from the public in attendance!

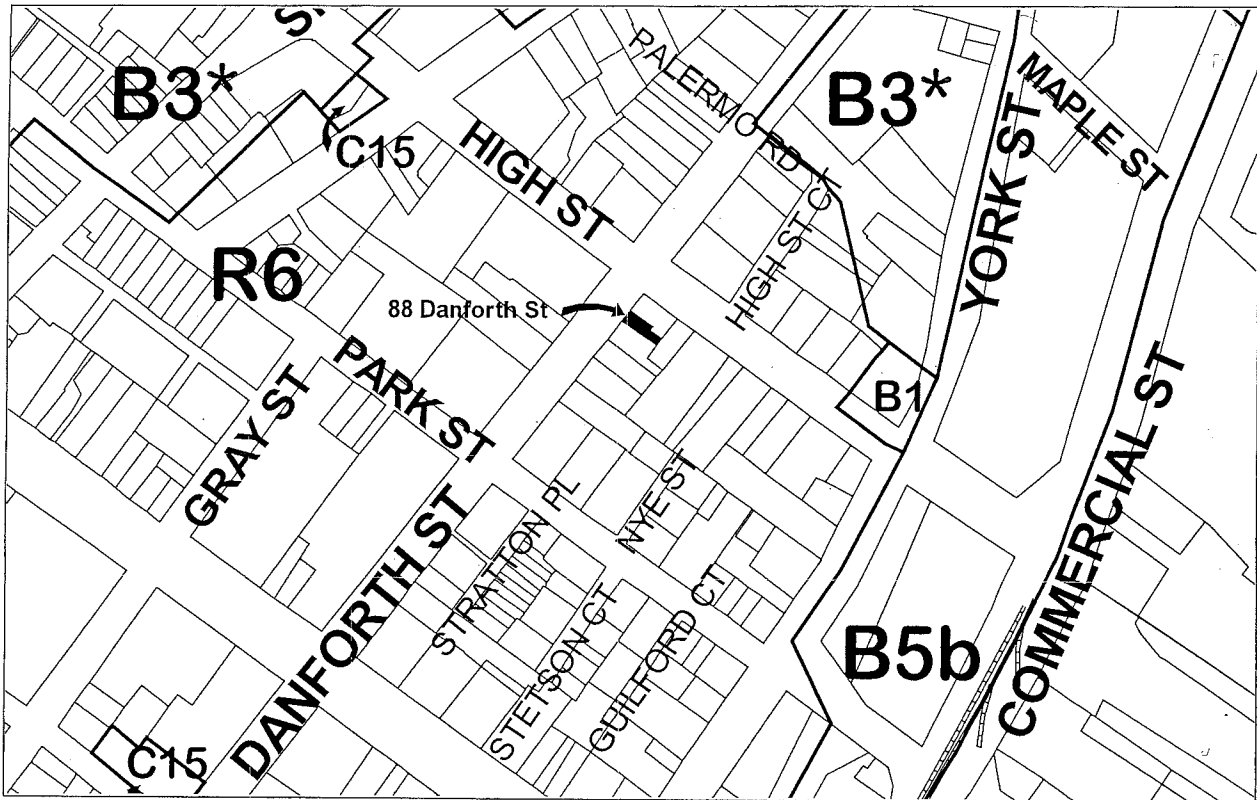
7:45 PM. NO one from the Public in attendance

8:15 PM. " " " " " "

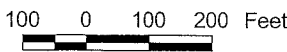
8:30 PM Close Meeting

**AN IMPORTANT LEGAL NOTICE FROM THE CITY OF PORTLAND PLANNING OFFICE**

**WHAT:** The Portland City Council will hold a public hearing to consider a proposal by VMC Properties, for a contract zone for property located at 88 Danforth Street. The applicant proposes a contract zone in order to allow an expansion of the laundromat use, as delineated on the fragmented map below. The conditions of the contract include, but are not limited to, that the applicant can construct an addition, which shall not exceed 243 sq. ft.; the use will consist of a laundromat use; parking and setback requirements; and in the event the property development is not commenced within five years, the contract will become null and void.



**Area Proposed for Zone Change from R-6 to Contact Zone**



**88 Danforth Street**



Map prepared by the City of Portland's Department of Planning & Urban Development and the GIS Workgroup . January 2002

**WHEN:** Monday, May 20, 2002  
7:30 p.m.  
City Hall, Council Chambers, 2<sup>nd</sup> Floor

**FOR MORE INFORMATION:**

To view the contract in its entirety, they are available in the Portland Planning Department, 4<sup>th</sup> Floor, City Hall. If you wish to submit written comments, address them to Kandice Talbot, Planner, Planning Department, City Hall, 4<sup>th</sup> Floor, 389 Congress Street, Portland, Maine 04101, contact by phone at 874-8901 or e-mail at [kcote@ci.portland.me.us](mailto:kcote@ci.portland.me.us).

When inquiring about this project, please reference application #117.

**Request for Official Zoning Map Update  
from the GIS Workgroup**

**Date:** June 3, 2002

**Planner:** Kandi Talbot

**Location:** 88 Danforth Street

**If the Zone Change is based on parcel lines please list the Assessor's CBLs.**

\_\_\_\_\_

**Council Order Number:** 265-01/02

**Date passed by City Council:** May 20, 2002

**Effective Date:** June 19, 2002

**Zone Change from** R-6 **to** R-6 Contract Zone

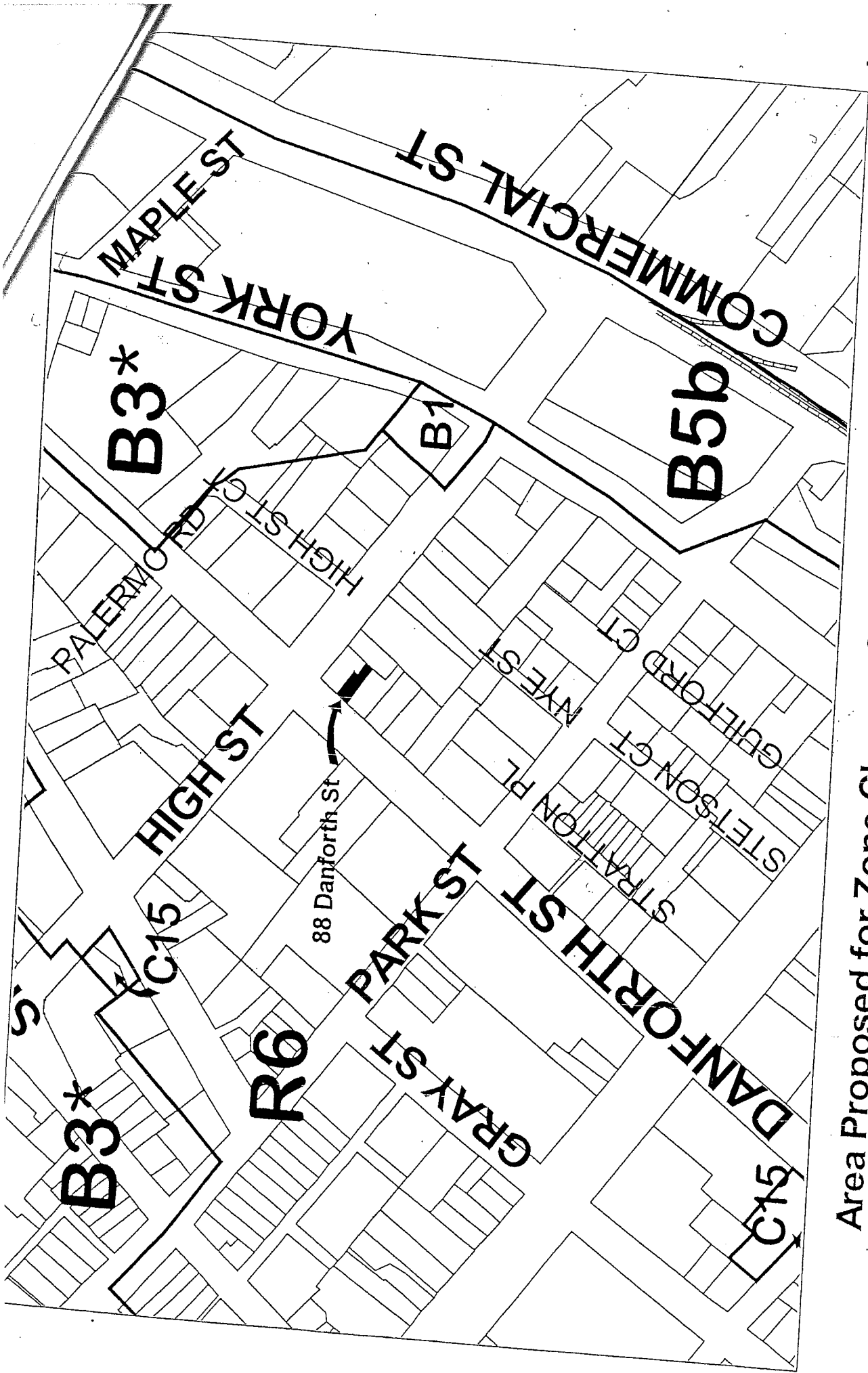
**Changes made, if any, by the City Council to the advertised map:** None

\_\_\_\_\_

\_\_\_\_\_

- Copy of Council Order attached**
- Copy of map accepted by City Council attached**
- Mandatory copy of the accepted map has been sent to Alex Wong at DEP if this zone change is within the Shoreland Zone**

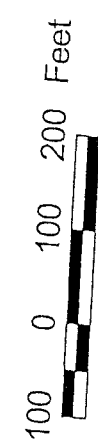
Please send this request, a copy of the Council Order and the approved map to Leslie Kaynor in Public Works as soon as the zone change is approved. If the zone change is denied, please forward a copy of the Council Order for our records. For questions: Call 756-8346 or email [lmk@ci.portland.me.us](mailto:lmk@ci.portland.me.us)



AH. 1



Area Proposed for Zone Change from R-6 to Contact Zone  
 88 Danforth Street



Map prepared by the City of Portland's Department of Planning & Urban Development and the GIS Workgroup . January 2002

# CITY OF PORTLAND, MAINE

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## PLANNING BOARD

Jaimey Caron, Chair  
Deborah Krichels, Vice Chair  
Mark Malone  
Orlando E. Delogu  
Sarah Luck  
Kevin Beal  
Lee Lowry III

April 10, 2002

Vincent Coyne  
Coyne's Laundromat  
88 Danforth Street  
Portland, ME 04101

Re: 88 Danforth Street

Dear Mr. Coyne:

On April 9, 2002 the Planning Board voted 4-3 (Caron, Lowry, Beal against) to recommend the proposed R-6 contract rezoning for a portion of the property located at 88 Danforth Street, as shown on Attachment 1, to the City Council.

The City Council is tentatively scheduled to vote on the rezoning on Monday May 20, 2002.

If there are any questions, please contact the Planning Staff.

Sincerely,



Jaimey Caron, Chair  
Portland Planning Board

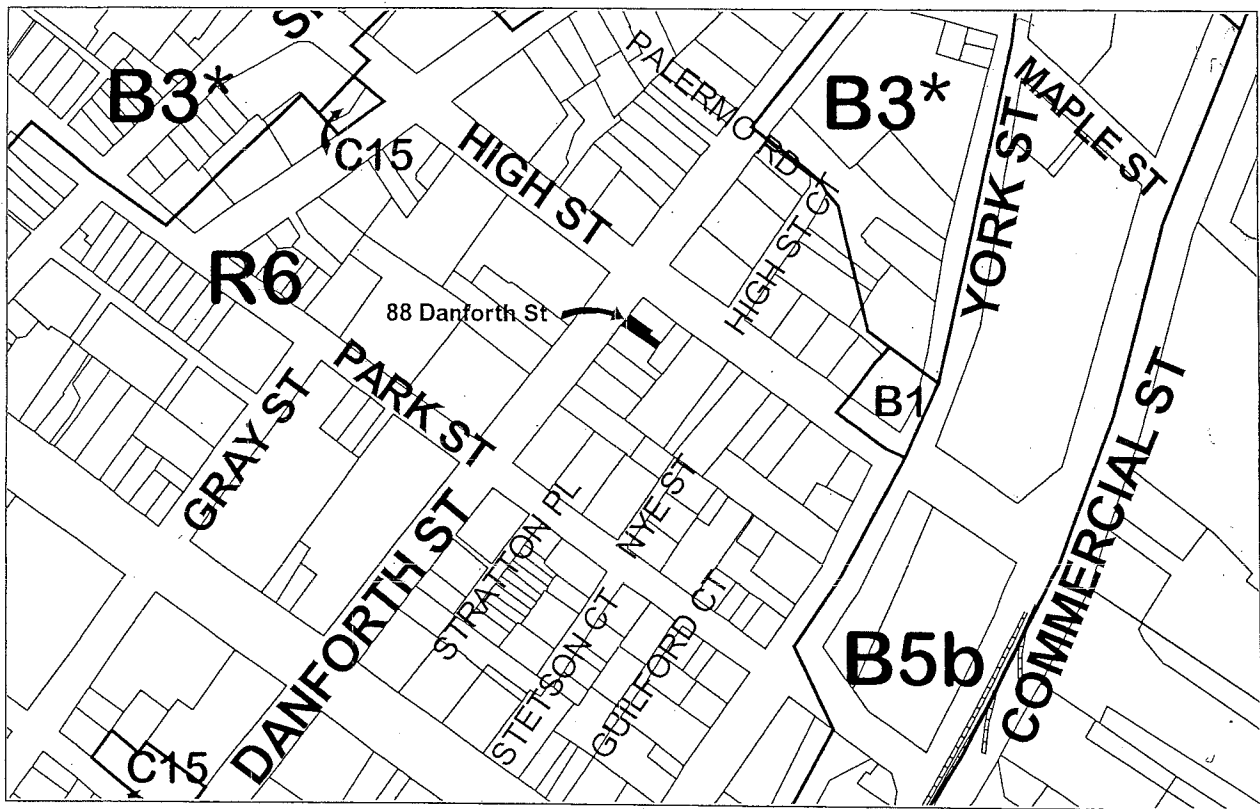
cc: Alexander Jaegerman, Planning Director  
Sarah Hopkins, Development Review Program Manager  
✓ Kandice Talbot, Planner  
Jay Reynolds, Development Review Coordinator  
Marge Schmuckal, Zoning Administrator  
Jodine Adams, Inspections  
William Bray, Director of Public Works  
Larry Ash, Traffic Engineer  
Tony Lombardo, Project Engineer  
Eric Labelle, City Engineer  
Jeff Tarling, City Arborist  
Penny Littell, Associate Corporation Counsel  
Lee Urban, Director of Economic Development  
Lt. Gaylen McDougall, Fire Prevention  
Don Hall, Appraiser, Assessor's Office  
Susan Doughty, Assessor's Office  
Approval Letter File  
Correspondence File

LEGAL NOTICE

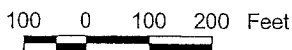
LEGAL NOTICE

PORTLAND PLANNING BOARD  
PUBLIC NOTICE

Notice is hereby given that the Portland Planning Board will hold a public hearing on Tuesday evening, April 9, 2002 at 6:30 p.m. in City Council Chambers, 2<sup>nd</sup> Floor, Portland, Maine to consider a proposal by VMC Properties, for a contract zone for property located at 88 Danforth Street. The applicant proposes a contract zone in order to allow an expansion of the laundromat use, as delineated on the fragmented map below.



Area Proposed for Zone Change from R-6 to Contact Zone



88 Danforth Street



Map prepared by the City of Portland's Department of Planning & Urban Development and the GIS Workgroup January 2002

The conditions of the contract include, but are not limited to, that the applicant can construct an addition, which shall not exceed 243 sq. ft.; the use will consist of a laundromat use; parking and setback requirements; and in the event the property development is not commenced within five years, the contract will become null and void. To view the contract in its entirety, please go to the Portland Planning Office, City Hall, 4<sup>th</sup> Floor.

Further information on this development can be obtained at the Planning Department Office, City Hall, 4th Floor, or by calling 874-8901.

Jaimey Caron, Chair  
Portland Planning Board

**PLANNING BOARD REPORT #23-02**

**88 DANFORTH STREET  
ZONE CHANGE REQUEST  
R-6 CONTRACT ZONE  
VMC PROPERTIES, INC., APPLICANT**

Submitted to:

Portland Planning Board  
Portland, Maine

April 9, 2002



## **I. INTRODUCTION**

VMC Properties is requesting a R-6 contract zone for the property located at 88 Danforth Street to allow an expansion of the laundromat use. Currently located on the site is a 2 ½-story apartment building along with a one-story laundromat.

245 notices were sent to area property owners. Two notices of the public hearing appeared in the Portland Press Herald. The notice was posted in the City Clerk's office 14 days prior to the Public Hearing.

## **II. FINDINGS**

Current Zoning:	R-6 Residential
Proposed Zoning:	R-6 Residential Contract Zone
Land Area:	3,900 sq. ft.
Existing Use:	Laundromat Facility
Proposed Use:	Expansion to Laundromat Facility
Land Uses in the Vicinity:	The areas surrounding 88 Danforth Street are primarily residential, although the Catherine Morrill Day Nursery is located at 96 Danforth Street and the Victoria Mansion is located at the corner of Park and Danforth Streets.

## **III. PROPOSED ZONE CHANGE**

As mentioned previously, VMC Properties is requesting a R-6 contract zone for the property located at 88 Danforth Street to allow an expansion of the laundromat use.

This site previously had a convenience store, which was a grandfathered nonconforming use for many years. In 1998, the applicant proposed a change of use from convenience store to laundromat. It was determined at that time that a laundromat was a less intensive use than a convenience store and was allowed. The applicant is now proposing a 243 sq. ft. addition to the rear of the laundromat for additional washers and dryers. This is an expansion of a nonconforming use and is not allowed in the R-6 zone. Also, the addition as proposed would not meet side and rear setbacks or parking requirements.

The site is approximately 3,900 sq. ft. and is located at the corner of Danforth Street and High Street. A portion of the lot includes an 8-unit apartment building on the corner of Danforth and High Streets (the laundromat is located in an addition that was constructed after the original building). This property is also located in the Western Promenade Historic District. If any external changes were to be made to either of these two buildings and visible from any street, they would be subject to Historic Preservation Review.

The applicant had proposed a 270 sq. ft. addition as part of this proposal. However, when the applicant requested the survey, he also requested that the property line between 88 Danforth Street and 92 Danforth Street (which the applicant also owns) be relocated. Staff determined that this could not be allowed because it would make the property located at 92 Danforth Street more nonconforming. The applicant has since withdrawn that proposed relocation of the

property line and has submitted a survey with the original property line. Because of the change, the proposed addition size has been reduced to 243 sq. ft. and the rear setback has been reduced to 4 ft. from the southwesterly rear property line and 4.6 ft. from the northwesterly rear property line and the side yard setback has been reduced to .5 ft. from the southwesterly side yard line and 2.5 ft. from the northeasterly side yard line. These changes have been reflected in the contract conditions. The survey is included as Attachment 2.

#### IV. ZONING POLICY ANALYSIS

The applicant is requesting this contract zone to allow an expansion of a nonconforming use. The issues are 1) laundromat uses are not allowed in the R-6 zone, 2) the proposed expansion does not meet the rear and side setbacks, and 3) the proposal requires one additional parking space, which the applicant cannot provide.

Given the unique restrictions of this site and history of the use, the Planning Board determined that a contract zone might be an appropriate method to allow the expansion of the laundromat.

While the R-6 zone does not permit retail uses, the Transportation Plan does encourage the location of services within walking distance of neighborhoods. One of the policies under Neighborhood Land Use in *A Time of Change: Portland Transportation Plan* states:

*“Vibrant neighborhoods include nearby, small-scale commercial areas that provide both convenient service and natural meeting places. Routine, daily services should be within walking distance of residents of all neighborhoods, as long as the businesses providing the services are small-scale, are designed compatibly with residents, and fit into the fabric of the neighborhood.”*

In spite of the setback and parking issues, the laundromat does serve an important function in the neighborhood and the parcel has historically provided the neighborhood with goods and services.

#### V. CONDITIONS FOR REZONING

This rezoning shall be subject to the following proposed conditions, as outlined in the executed agreement between the City and the applicant. Attachment 3 is the proposed contract.

1. The CITY shall amend the Zoning Map of the City of Portland, dated December 2000 as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by §14-49 of the Portland City Code, by adopting the map change amendment shown on Attachment 1.
2. The DEVELOPER shall be authorized to construct an addition for an expansion of the existing laundromat use. Such addition shall not exceed two hundred and forty three (243) square feet in area, as shown on Attachment 2.
3. The use will consist of a Laundromat use with coin-operated washers and dryers, wash and fold drop-off/pick-up service, dry-cleaning drop-off/pick-up service, ATM machine, and detergent and snack vending machines.

4. The DEVELOPER will not be required to provide an additional one (1) parking space required for the expansion.
5. The setbacks of the expansion shall be limited as follows: Rear Setback shall be no less than 4.0 feet from the southwesterly rear property line and 4.6 feet from the northeasterly rear property line; Side Yard Setback shall be no less than .5 feet from the southwesterly side yard line and no less than 2.5 feet from the northeasterly side yard line.
6. Unless otherwise herein superceded, the provisions of §14-135 through 14-140 of the Portland City Code shall apply to this development.
7. In the event the development described herein is not commenced within five (5) years from the date of this contract rezoning, this contract shall become null and void.

The Planning Board also recommended that the contract zone be for the area of the building and site that the Laundromat use is located on, which does not include the apartment building. The proposed map change is included as Attachment 1.

#### **VI. STAFF ANALYSIS AND RECOMMENDATION**

The Transportation Plan encourages the location of services within walking distance of neighborhoods. Mr. Coyne's Laundromat is a small-scale business, serving an important role in the neighborhood. The addition will increase the viability of the use, according to the applicant. Staff therefore finds the contract zone to be compatible with the uses of the R-6 zone and consistent with the policies of the comprehensive plan.

#### **VII. MOTIONS FOR THE BOARD TO CONSIDER**

On the basis of plans and materials submitted by VMC Properties, the policies of the R-6 Residential Zone, Comprehensive Plan, the information provided in Planning Board Report #23-02, and/or other findings as follows:

1. The Board finds that the proposed R-6 Contract Rezoning is or is not] consistent with the policies of the R-6 Residential Zone and Comprehensive Plan of the City of Portland. The Planning Board therefore recommends or does not recommend] to the City Council approval of the proposed R-6 contract rezoning for a portion of the property located at 88 Danforth Street, as shown on Attachment 1.

#### Attachments:

1. Proposed Zone Map
2. Survey
3. Proposed Contract
4. Applicant's Submittal

VMC Properties is proposing a R-6 contract zone for the property located at 88 Danforth Street to allow an expansion of the laundromat use. The applicant is proposing a 243 sq. ft. addition to the rear of the building to for additional washers and dryers. The laundromat use is a nonconforming use in the R-6 zone. Expansions of nonconforming uses are not allowed. Also the addition as proposed would not meet side and rear setbacks or parking requirements.

Currently existing on the site is an 8-unit apartment building and the laundromat. The proposed contract zone would be for the laundromat portion of the site only and would not include the apartment building.

Proposed conditions of the contract zone are:

The Zoning map will be amended by adopting the map change shown on Attachment 1.

That the developer shall be authorized to construct an addition for an expansion of the laundromat use and the addition shall not exceed 243 sq. ft. as shown on Attachment 2.

The use will consist of a Laundromat use with coin-operated washers and dryers, wash and fold drop-off/pick-up service, dry-cleaning drop-off/pick-up service, ATM machine, and detergent and snack vending machines.

The DEVELOPER will not be required to provide an additional one (1) parking space required for the expansion.

The setbacks of the expansion shall be limited as follows: Rear Setback shall be no less than 4.0 feet from the southwesterly rear property line and 4.6 feet from the northeasterly rear property line; Side Yard Setback shall be no less than .5 feet from the southwesterly side yard line and no less than 2.5 feet from the northeasterly side yard line.

Unless conditioned the provision of the R-6 zone of the City Code shall apply to this development.

In the event the development described herein is not commenced within five (5) years from the date of this contract rezoning, this contract shall become null and void.

**CITY OF PORTLAND, MAINE  
MEMORANDUM**

**TO:** Chair Caron and Members of the Portland Planning Board

**FROM:** Kandice Talbot, Planner

**DATE:** January 8, 2002

**RE:** Zone Change, 88 Danforth Street

**Introduction**

VMC Properties is requesting a R-6 contract zone for the property located at 88 Danforth Street to allow an expansion of the laundromat use. Currently located on the site is a 2 1/2-story apartment building along with a one-story laundromat.

This site previously had a convenience store, which was a grandfathered nonconforming use for many years. In 1998, the applicant proposed a change of use from convenience store to laundromat. It was determined at that time that a laundromat was a less intensive use than a convenience store and was allowed. The applicant is now proposing 270 sq. ft. addition to the rear of the laundromat for additional washers and dryer. This is an expansion of a nonconforming use and is not allowed in the R-6 zone. Also, the addition as proposed would not meet side and rear setbacks or parking requirements.

The site is approximately 3,900 sq. ft. and is located at the corner of Danforth Street and High Street. A portion of the lot includes an 8-unit apartment building on the corner of Danforth and High Streets (the laundromat is located in an addition that was constructed after the original building). This property is also located in the Western Promenade Historic District. If any external changes were to be made to either of these two buildings and visible from any street, they would be subject to Historic Preservation Review.

**Surrounding Uses**

The area surrounding 88 Danforth Street is primarily residential, although the Catherine Morrill Day Nursery is located at 96 Danforth Street and the Victoria Mansion is located at the corner of Park and Danforth Streets.

**Policy and Zoning Considerations**

The applicant is requesting this contract zone to allow an expansion of a nonconforming use. The issues are 1) laundromat uses are not allowed in the R-6 zone, 2) the proposed expansion does not meet the rear and side setbacks, and 3) the proposal requires one additional parking space, which the applicant cannot provide.

Given the unique restrictions of this site and history of the use, the Planning Board determined that a contract zone might be an appropriate method to allow the expansion of the laundromat. In spite of the setback and parking issues, the laundromat does serve an important function in the neighborhood and the parcel has historically provided the neighborhood with goods and services.

At the November 27<sup>th</sup> Planning Board workshop, the Board requested that conditions for a R-6 contract zone be drafted for review. Following are the proposed conditions:

1. The **CITY** shall amend the Zoning Map of the City of Portland, dated September 2000 as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by §14-49 of the Portland City Code, by adopting the map change amendment shown on Attachment 1.
2. The **DEVELOPER** shall be authorized to construct an addition for an expansion of the existing laundromat use. Such addition shall not exceed two hundred and seventy (270) square feet in area as shown on Attachment 2.
3. The use will consist of a Laundromat use with coin-operated washers and dryers, wash and fold drop-off/pick-up service, dry-cleaning drop-off/pick-up service, ATM machine, and detergent and snack vending machines.
4. The **DEVELOPER** will not be required to provide an additional one (1) parking space required for the expansion.
5. The setbacks of the expansion shall be no less than 4.6 feet from the rear property line and shall be no less than 1.25 feet from the side property line.
6. Unless otherwise herein superceded, the provisions of §14-135 through 14-140 of the Portland City Code shall apply to this development.
7. In the event the property development described herein is not commenced within five (5) years from the date of this contract rezoning, this contract shall become null and void.

The Planning Board also recommended that the contract zone be for the area of the building and site that the Laundromat use is located. A proposed map of the contract zone will be available at the workshop meeting.

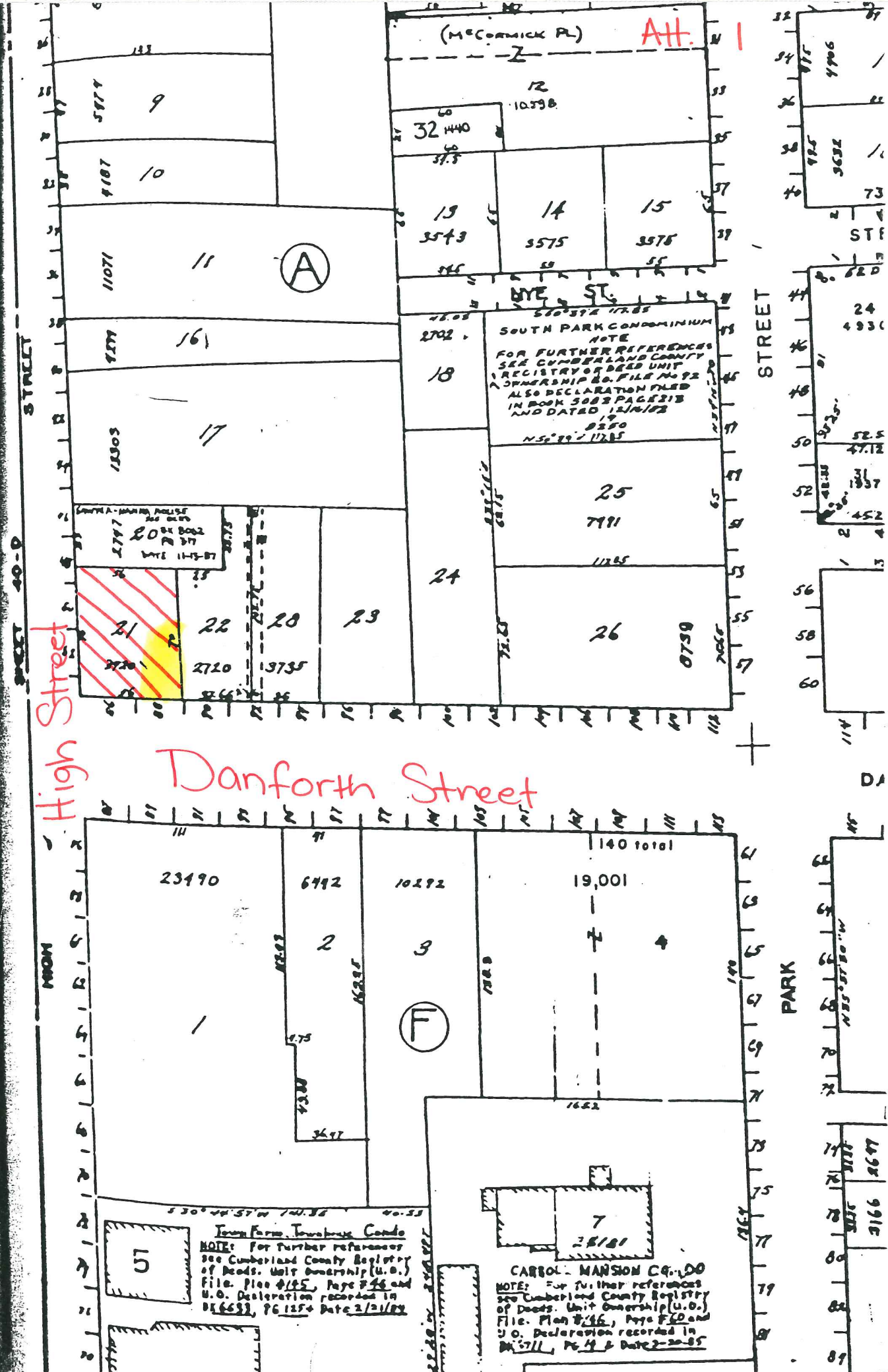
#### **Advertisement**

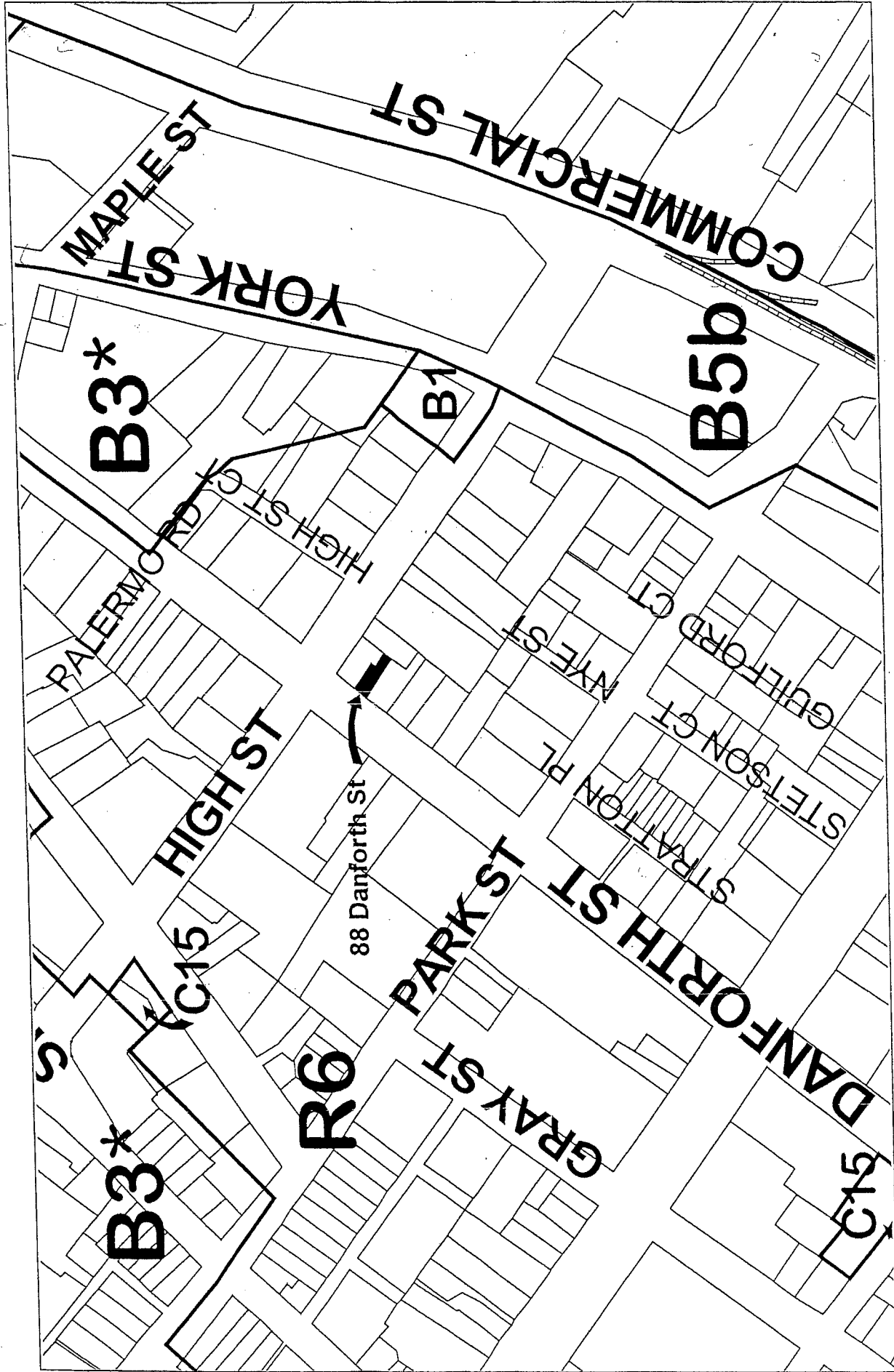
Staff is requesting direction from the Board regarding advertisement of the contract zone. We anticipate holding a public hearing on February 12, 2002.

#### Attachments:

1. Vicinity Map
2. Applicant's Submittal
3. Survey

VMC Properties Vincent Coyne  
 52 High St. 88 Danforth St. 92 Danforth St.





Area Proposed for Zone Change from R-6 to Contact Zone

88 Danforth Street





**CITY OF PORTLAND, MAINE  
MEMORANDUM**

**TO:** Chair Caron and Members of the Portland Planning Board  
**FROM:** Kandice Talbot, Planner  
**DATE:** January 8, 2002  
**RE:** Zone Change, 88 Danforth Street

**Introduction**

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This site previously had a convenience store, which was a grandfathered nonconforming use for many years. In 1998, the applicant proposed a change of use from convenience store to laundromat. It was determined at that time that a laundromat was a less intensive use than a convenience store and was allowed. The applicant is now proposing 270 sq. ft. addition to the rear of the laundromat for additional washers and dryer. This is an expansion of a nonconforming use and is not allowed in the R-6 zone. Also, the addition as proposed would not meet side and rear setbacks or parking requirements.

The site is approximately 3,900 sq. ft. and is located at the corner of Danforth Street and High Street. A portion of the lot includes an 8-unit apartment building on the corner of Danforth and High Streets (the laundromat is located in an addition that was constructed after the original building). This property is also located in the Western Promenade Historic District. If any external changes were to be made to either of these two buildings and visible from any street, they would be subject to Historic Preservation Review.

**Surrounding Uses**

The area surrounding 88 Danforth Street is primarily residential, although the Catherine Morrill Day Nursery is located at 96 Danforth Street and the Victoria Mansion is located at the corner of Park and Danforth Streets.

**Policy and Zoning Considerations**

The applicant is requesting this contract zone to allow an expansion of a nonconforming use. The issues are 1) laundromat uses are not allowed in the R-6 zone, 2) the proposed expansion does not meet the rear and side setbacks, and 3) the proposal requires one additional parking space, which the applicant cannot provide.

Given the unique restrictions of this site and history of the use, the Planning Board determined that a contract zone might be an appropriate method to allow the expansion of the laundromat. In spite of the setback and parking issues, the laundromat does serve an important function in the neighborhood and the parcel has historically provided the neighborhood with goods and services.

At the November 27<sup>th</sup> Planning Board workshop, the Board requested that conditions for a R-6 contract zone be drafted for review. Following are the proposed conditions:

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3. The use will consist of a Laundromat use with coin-operated washers and dryers, wash and fold drop-off/pick-up service, dry-cleaning drop-off/pick-up service, ATM machine, and detergent and snack vending machines.
4. The **DEVELOPER** will not be required to provide an additional one (1) parking space required for the expansion.
5. The setbacks of the expansion shall be no less than 4.6 feet from the rear property line and shall be no less than 1.25 feet from the side property line.
6. Unless otherwise herein superceded, the provisions of §14-135 through 14-140 of the Portland City Code shall apply to this development.
7. In the event the property development described herein is not commenced within five (5) years from the date of this contract rezoning, this contract shall become null and void.

The Planning Board also recommended that the contract zone be for the area of the building and site that the Laundromat use is located. A proposed map of the contract zone will be available at the workshop meeting.

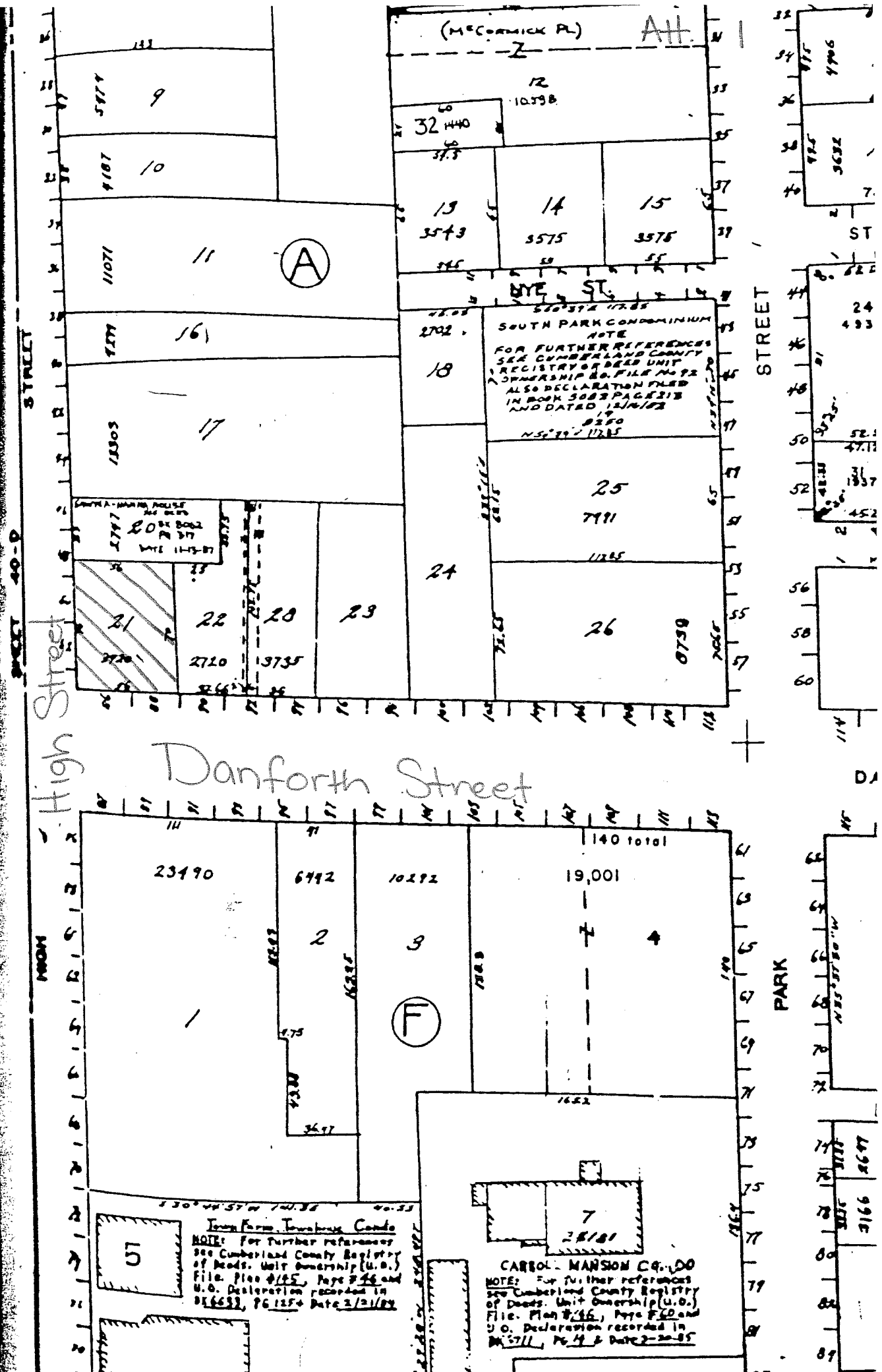
#### **Advertisement**

Staff is requesting direction from the Board regarding advertisement of the contract zone. We anticipate holding a public hearing on February 12, 2002.

#### Attachments:

1. Vicinity Map
2. Applicant's Submittal
3. Survey

VMC Properties Vincent Coyne  
52 High St. Danforth St. 92 Danforth St.



High Street

Danforth Street

CARROLL MANSION CO., DO  
NOTE: For further references see Cumberland County Registry of Deeds. Unit Ownership (U.O.) File. Plan # 16, Page F 60 and U.O. Declaration recorded in 88571, Pg. 19 & Date 3-20-85

Trans From Township Condo  
NOTE: For further references see Cumberland County Registry of Deeds. Unit Ownership (U.O.) File. Plan # 15, Page F 46 and U.O. Declaration recorded in 88633, Pg. 125+ Date 2/21/89

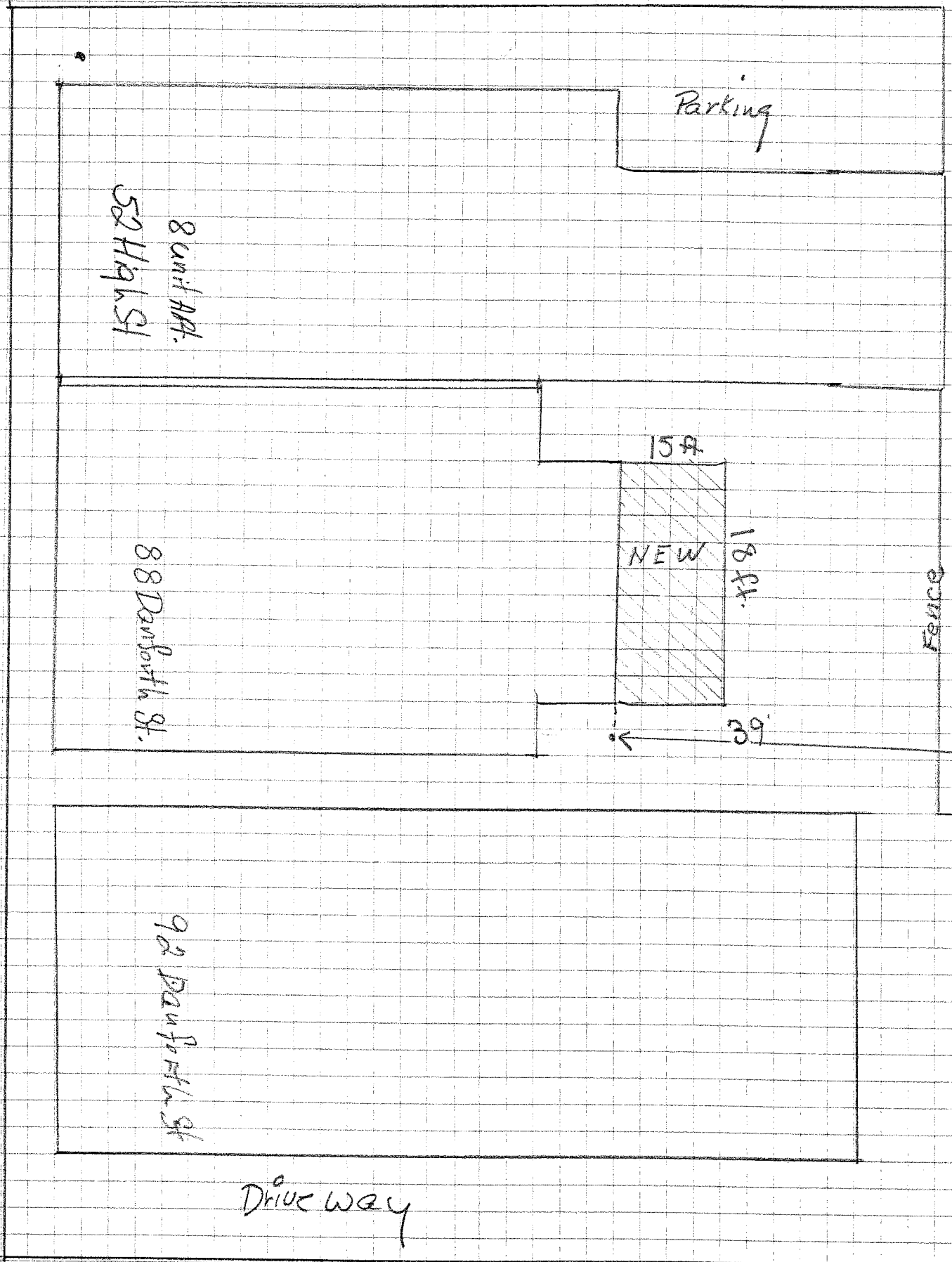
STREET

PARK

STREET 40-D

High St

ZC Lot line



Danforth St

8 unit apt.  
52 High St

88 Danforth St.

92 Danforth St.

Parking

15 ft  
NEW  
18 ft

39'

Fence

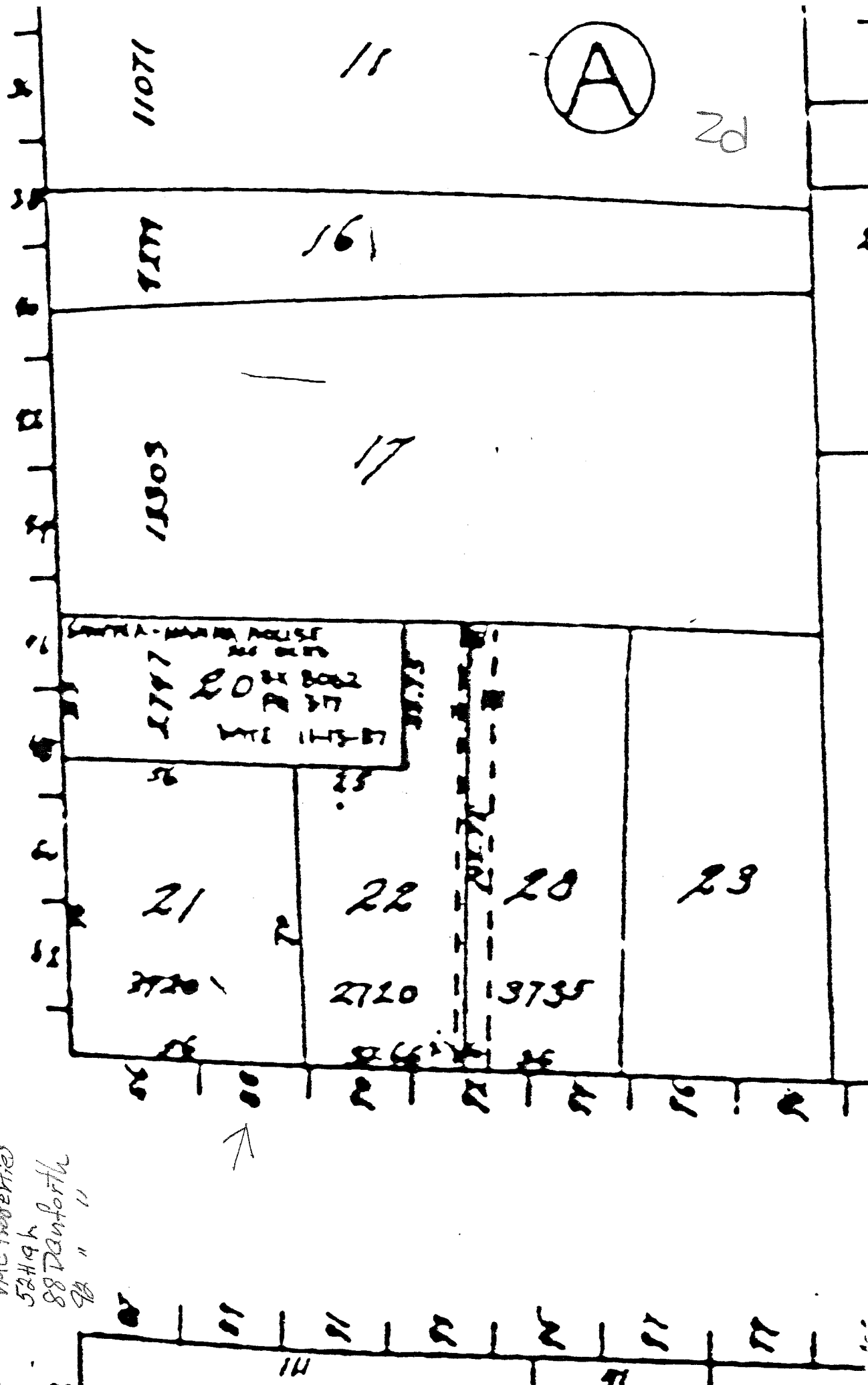
DRIVEWAY

Park St

STREET

40-8

Vincent Coyne  
VMC Properties  
52419h  
88 Danforth  
92 " "



11071

11

(A)

P2

1171

191

1305

17

1717

REAR PORCH  
DASH

21

3720

2

22

2720

20

3735

23



14

15

16

17

18

DANFORTH STREET

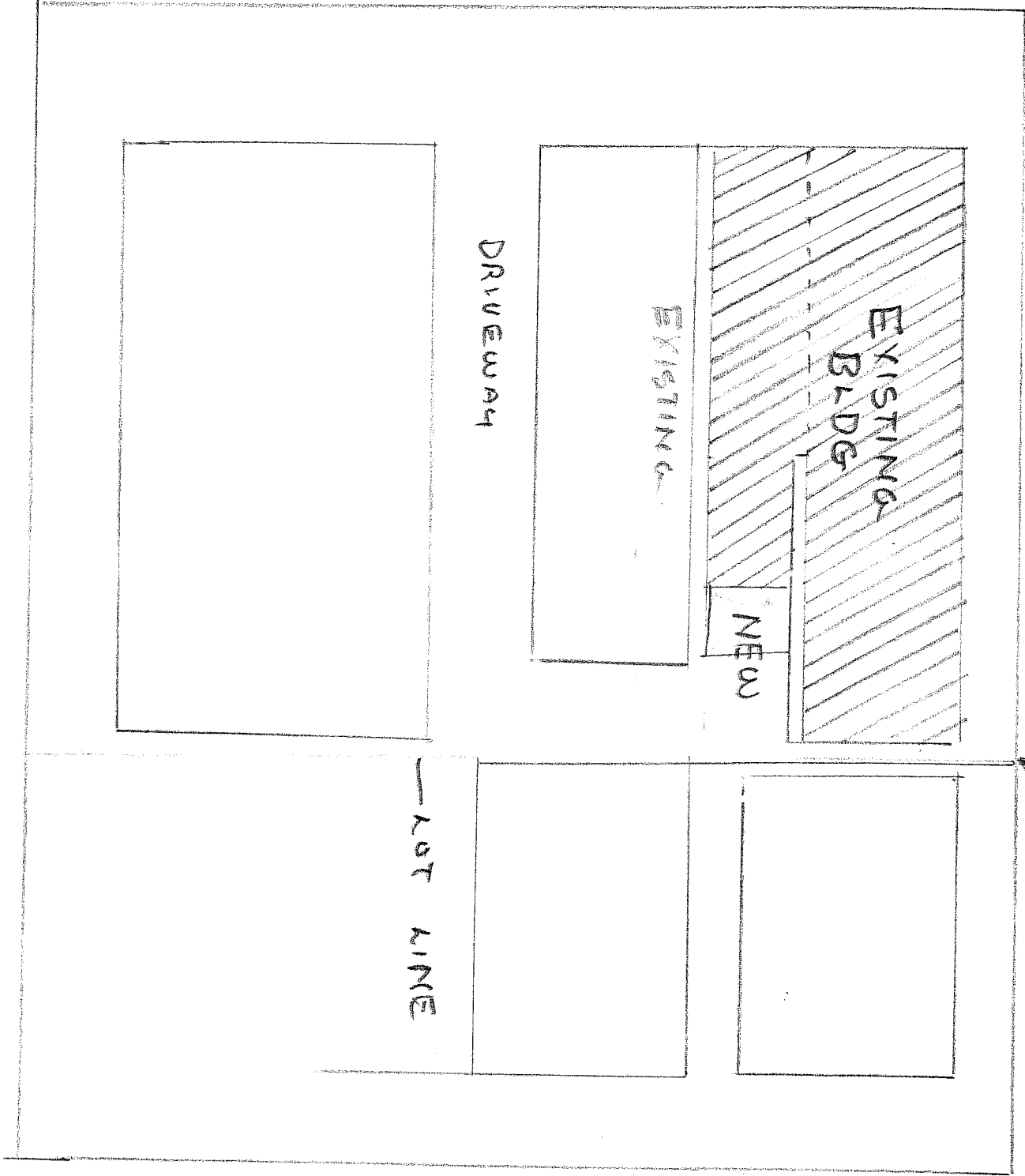
2e

HIGH STREET

LOT LINE

LOT LINE

DRIVEWAY



Peoples Heritage Bank, N.A.

One Portland Square  
P.O. Box 9540  
Portland, ME 04112-9540

1-800-462-3666  
Tel: 207-761-8500

Zf

September 21, 2000



Vincent Coyne  
Coyne's Laundromat  
88 Danforth Street  
Portland, ME 04102

Dear Vinnie:

Enclosed please find the legal description for the property located at 52 High and 88 Danforth Streets, as you requested.

As you may recall, the Bank initially refinanced outstanding debt on this property. Therefore, we do not have a copy of the warranty deed on file here. If you need a copy, the registry would be a good place to obtain one.

If you have any questions, please call me at 828-7276, or, Mike at 761-8657.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Rhonda".

Rhonda Wronski  
Commercial Loan Administrator to  
Michael P. O'Reilly

/rw  
enclosure

SCHEDULE A

A certain lot or parcel of land, with the buildings thereon, situated on the southwesterly corner of High and Danforth Streets in said Portland, and bounded and described as follows:

Commencing at the southwesterly corner of High Street and Danforth Street; thence southwesterly by said Danforth Street about fifty-six (56) feet to land now or formerly of said Jacob McLellan; thence southeasterly by land now or formerly of said McLellan about seventy (70) feet to land now or formerly of Peter Hanna; thence northeasterly by land now or formerly of said Hanna fifty-six (56) feet, more or less, to said High Street, thence northwesterly by said High Street seventy (70) feet, more or less, to the point of beginning.

Said premises having the street addresses of both 52 High Street and 88 Danforth Street, Portland, Maine.

RECEIVED  
RECORDED REGISTRY OF DEEDS  
95 DEC 29 PM 4:03  
CUMBERLAND COUNTY  
*John B. O'Brien*



33114  
 Know All Men by These Presents,

2h

That The Catherine Morrill Day Nursery, a charitable

Corporation organized and existing under the laws of the State  
 of Maine and located at Portland  
 in the County of Cumberland and State of Maine  
 in consideration of one dollar and all other valuable considerations

paid by The Seigal Corporation, a corporation organized and  
 existing under the laws of the State of Maine and located in  
 Portland, County of Cumberland and State of Maine,

the receipt whereof it does hereby acknowledge, does hereby grant,  
 release, bargain, sell and convey and Surrender Quit-Claim unto the said

Seigal Corporation, its successors heirs and assigns forever,

The right to use in common with the Grantor and others a right  
 of way over the easterly side of land now owned by the Grantor  
 at 94 Danforth Street, Portland, Maine, more particularly bounded  
 and described as follows:

Commencing at a point on the southerly side of Danforth Street  
 at the northeasterly corner of the Grantors land described in  
 deed of Richard P. Waltz, et al to Grantor recorded in Cumberland  
 County Registry of Deeds, in Book 2898, Page 377, and thence  
 running along the southerly side of Danforth Street in a westerly  
 direction a distance of six (6) feet, to a point; thence making  
 an angle with Danforth Street and running along a line parallel  
 with the easterly side line of said land of the Grantor in a  
 southerly direction a distance of 103.9 feet, more or less, to  
 a point in the northerly line of land now or formerly of the Heirs  
 of Samuel Whittier; thence along said northerly line of Whittier  
 land in an easterly direction a distance of six (6) feet more  
 or less, to the westerly line of land now of Grantee and which  
 line is the westerly side of the two (2) foot right of way  
 which is this day being set forth by said Grantee; thence making  
 an angle and running in a northerly direction a distance of 103.9  
 feet, more or less, to the point of beginning.

This right of way is to be used in conjunction with a two (2)  
 foot adjoining right of way being set forth by deed of even date  
 herewith of the Grantee. Said right of way is to be used for  
 foot and vehicular traffic by the Grantors, their heirs and  
 assigns, and the Grantees and their heirs and assigns; provided  
 however, that there shall be no parking of vehicles on said  
 right of way between 8:00 a.m. and 5:30 p.m. on weekdays  
 by Grantors or Grantees, their heirs, assigns, successors or  
 invitees, other than for delivery or pick up of goods and materials.

It is also hereby confirmed that no structure is now existing  
 and to the best of Grantor's knowledge, has never existed on  
 said six (6) foot right of way since November 1, 1920, the date  
 that said way was created by Frank W. Sparrow.

21

Us ~~and in~~ ~~and~~ the same, together with all the privileges and appurtenances thereunto belonging, to it the said

121

Seigal Corporation, its successors ~~XXXX~~ Heirs and Assigns forever. And the said Grantor Corporation does ~~reunant~~ with the said

Seigal Corporation, its successors Heirs and Assigns, that it will ~~Warrant~~ and ~~Warrant~~ ~~Warrant~~ the said premises to it the said Grantee, its successors ~~XXXX~~ and Assigns forever, against the lawful claims and demands of all persons claiming by, through, or under it.

In ~~Witness~~ ~~Whereof~~, the said The Catherine Morrill Day Nursery has caused this instrument to be sealed with its corporate seal and signed in its corporate name by

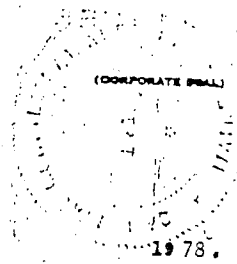
Susan B. Dana, its President

thereunto duly authorized, this 25th day of October in the year one thousand nine hundred and seventy-eight.

Signed, Sealed and Delivered in presence of

*Joseph L. DeLaford*

THE CATHERINE MORRILL DAY NURSERY  
By *Susan B. Dana*  
Its President



State of Maine, Cumberland ss. October 25 1978.

Personally appeared the above named Susan B. Dana President of said Grantor Corporation as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of said corporation.

Before me,

NOV 2 1978

*Joseph L. DeLaford*  
Justice of the Peace

REGISTRY OF DEEDS, CUMBERLAND COUNTY, MAINE  
Received at 8 31 AM, and recorded in  
BOOK 4334 PAGE 120. *Leah J. Daulton* DEPUTY Register

021099

## CORRECTIVE QUITCLAIM DEED

Zj

Fleet Bank of Maine of Portland, Maine, FOR CONSIDERATION PAID, hereby releases to VMC Properties, Inc., a Maine corporation with a mailing address of 51 Woodfield Road, Portland, Maine 04102, the following described real property located in the City of Portland, County of Cumberland and State of Maine:

A certain lot or parcel of land with the buildings thereon situated on the southwesterly side of Danforth Street in Portland in the County of Cumberland and State of Maine, being bounded and described as follows:

Beginning at a stake set in the ground on said southeasterly side of said Danforth Street at the northerly corner of a certain lot of land conveyed by Jacob McLellan Horne *et al.* to Charles H. Plumstead by deed dated June 11, 1919, and recorded in the Cumberland County Registry of Deeds in Book 1027, Page 323; thence running northeastwardly by the southeasterly side of said Danforth Street thirty-seven (37) feet and eight (8) inches, more or less, to land now or formerly of Edward Hasty; thence southeasterly by said Hasty land about seventy (70) feet to land now or formerly of Winthrop S. Jordan; thence southwestwardly by said Jordan land about twenty-five (25) feet to the westerly corner thereof; thence again southeastwardly by said Jordan land about thirty-three (33) feet nine (9) inches to land now or formerly of the heirs of Samuel Whittier; thence again southwestwardly by said last mentioned land to the easterly corner of said land conveyed to said Plumstead; thence northwestwardly by said Plumstead land to the point of beginning. Being the same premises 90 to 92 on said Danforth Street.

Also conveying hereby the right to use the right-of-way between the premises conveyed herein and the building located at 94 Danforth Street, now owned by the Catherine Morrill Day Nursery, as more fully set forth in deeds transferred between the Seigal Corporation and said Day Nursery dated October 25, 1978, and recorded at said Registry of Deeds in Book 4334, Pages 118 and 120.

This conveyance is subject to the right of said Day Nursery to use, as part of the above-mentioned right-of-way, two feet (2') of the westerly side of the premises conveyed herein, said right-of-way being comprised of two feet (2') of land of the grantors herein and six feet (6') of land of said Day Nursery.

This conveyance is further made subject to the rights and easements set forth in deed of Vincent M. Coyne *et al.* to Wolf Partnership dated March 4, 1986, and recorded in said Registry of Deeds in Book 7088, Page 45.

This is to confirm a prior deed from Fleet Bank of Maine to Kenneth S. Ray, Inc. by deed of Fleet Bank of Maine dated December 15, 1992, and recorded on December 23, 1992, in the Cumberland County Registry of Deeds in Book 10477, Page 345.

WITNESS my hand and seal this 11 day of February 1997.

Zk

Jana Duice  
Witness

FLEET BANK OF MAINE  
By: Norman L. White  
Its: VP President

STATE OF MAINE  
Cumberland, ss.

February 11 1997

Personally appeared the above-named Norman L. White of Fleet Bank of Maine and acknowledged the foregoing instrument to be his/her/their free act and deed. Before me,

Jane J. Holgan  
Notary Public/Attorney at Law  
STATE OF MAINE  
NOTARY PUBLIC MAINE  
MY COMMISSION EXPIRES JANUARY 14 2004  
print name **SEAL**

RECEIVED  
RECORDED REGISTRY OF DEEDS  
97 APR 30 PM 3:42  
CUMBERLAND COUNTY  
John B. O'Brien

BEAGLE, PEARCE & RIDGE  
ATTORNEYS AT LAW

C. ALAN BEAGLE  
MICHAEL J. PEARCE  
MARTIN J. RIDGE  
FREDERICK L. LIPP  
JACQUELYN M. KURZ  
PAULA M. CRAIGHEAD

ZL  
24 CITY CENTER  
P.O. BOX 7044  
PORTLAND, MAINE 04112  
(207) 773-1751  
FAX (207) 775-3382

May 21, 1997

Vincent M. Coyne  
VMC Properties  
51 Woodfield Road  
Portland, Maine 04102

Re: VMC Properties - Corrective Quitclaim Deed

Dear Vincent:

Enclosed for your file please find a copy of the Corrective Quitclaim Deed from Fleet Bank, which was recorded in the Cumberland County Registry of Deeds in Book 13056, Page 87 on April 30, 1997.

Very truly yours,

  
Jacquelyn M. Kurz

JMK/db  
Enclosure

F:\DOCUMENT\CCT\COYNE.VIN\COYNE.LTR

Zoning Division  
Marge Schmuckal  
Zoning Administrator



Zm  
Department of Urban Development  
Joseph E. Gray, Jr.  
Director

## CITY OF PORTLAND

VMC Properties, Inc.  
51 Woodfield Road  
Portland, ME 04102

September 29, 1998

RE: 86-88 Danforth Street - R-6 Zone - 044-A-021

Dear Vinny,

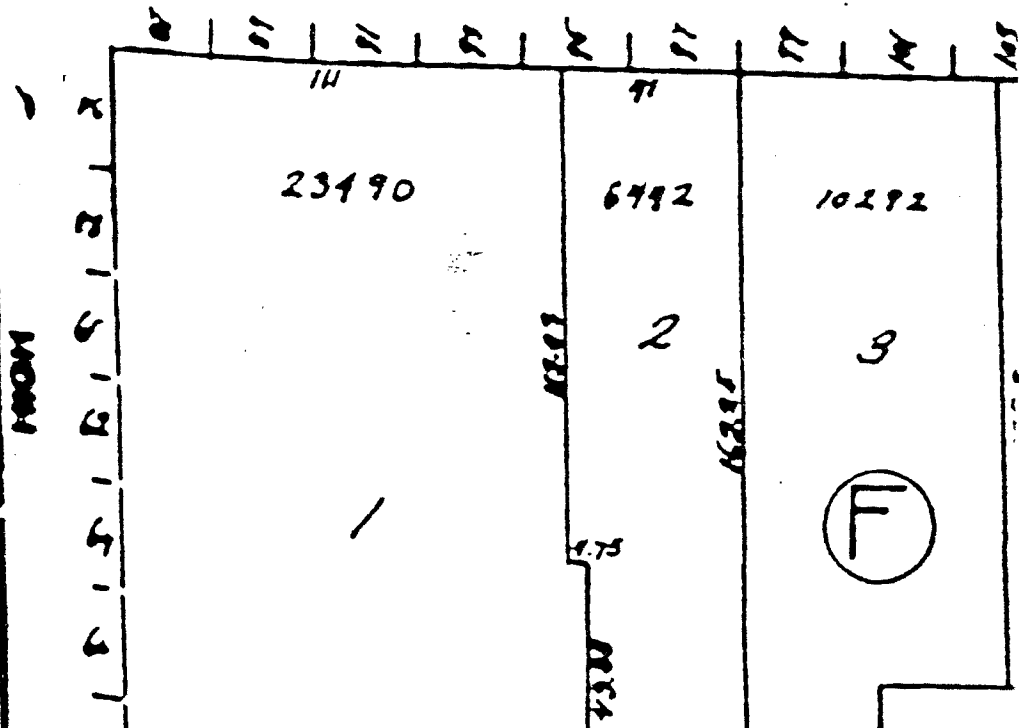
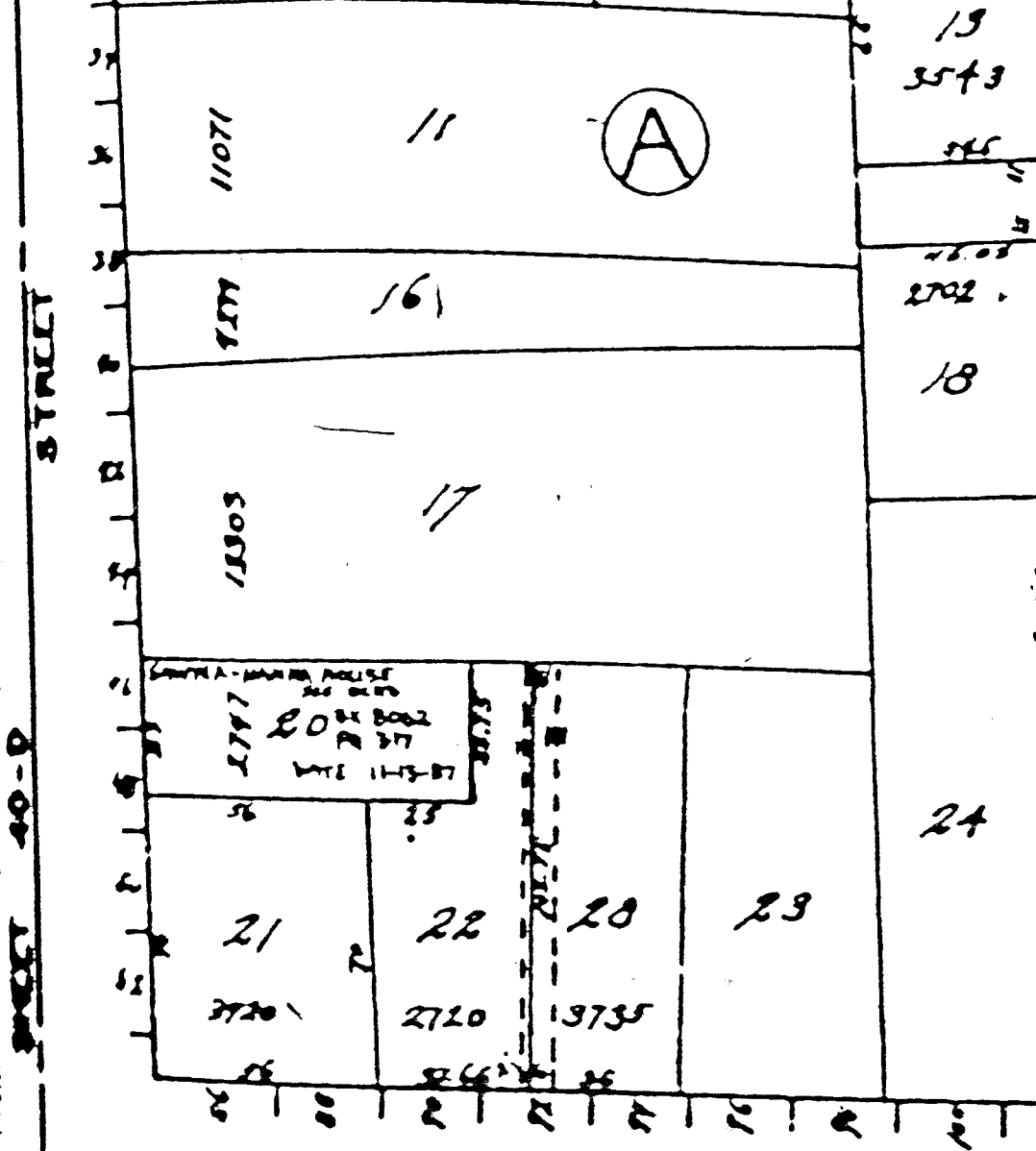
As we discussed yesterday, I have been revisiting section 14-384 titled "Change of Nonconforming Use". After several discussions with our Corporation Counsel, I now believe that by Ordinance, I would be able to issue a permit to change the use from a retail store to a personal service of a laundromat. We will be looking forward to your submittal. Please note that you will need separate permits for electrical, plumbing, and new signage.

Very Truly Yours,

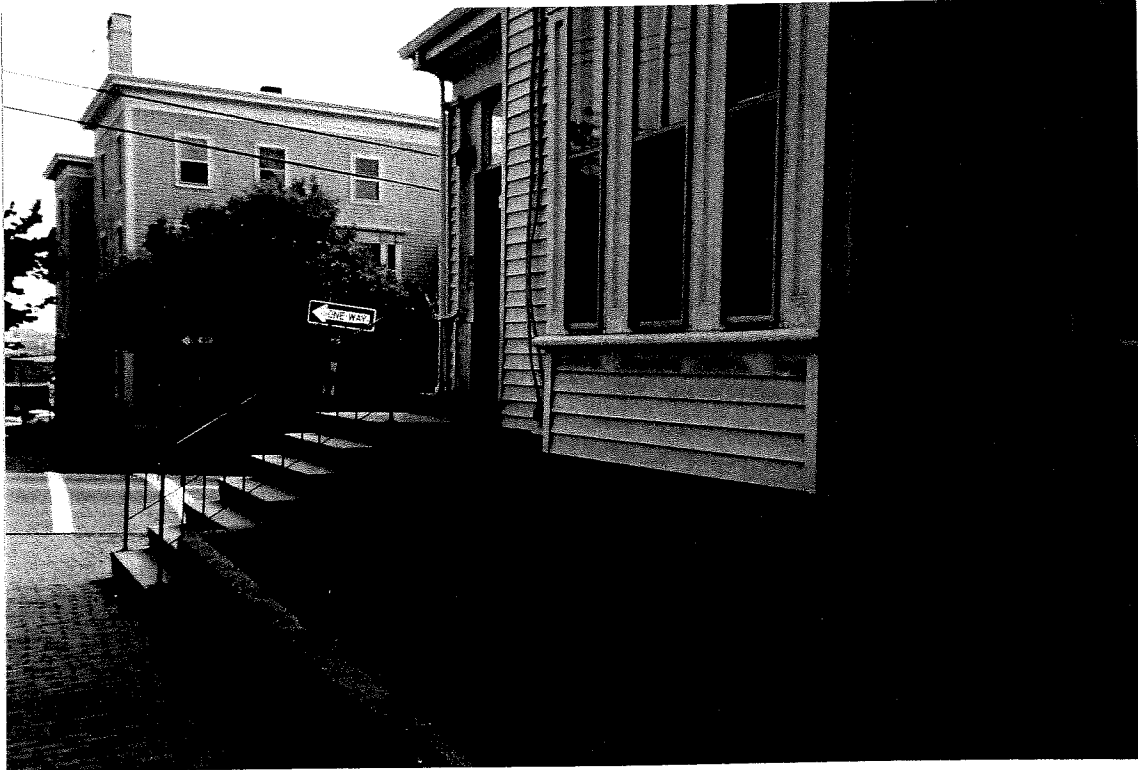
Marge Schmuckal  
Zoning Administrator

cc: Mark Adelson, Housing & Neighborhood Services  
File

VMC Properties Inc.  
(Vincent Coyne)  
52 High St  
88 Donforth St  
92 Donforth St

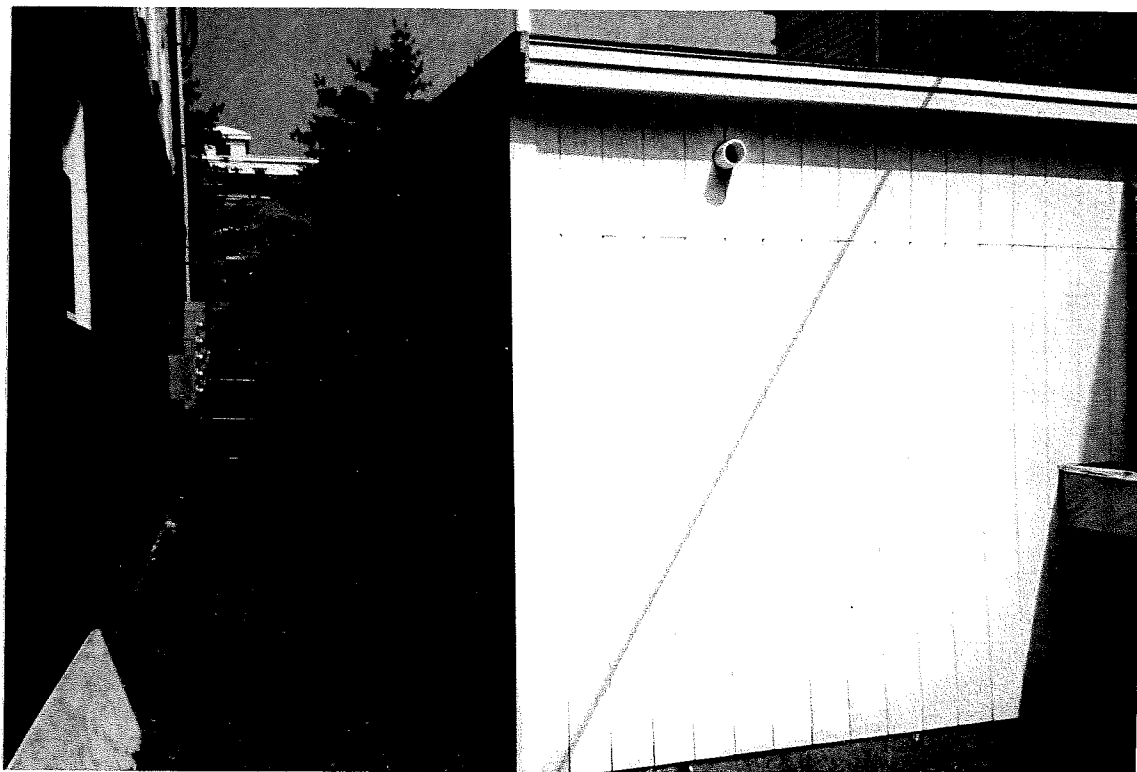
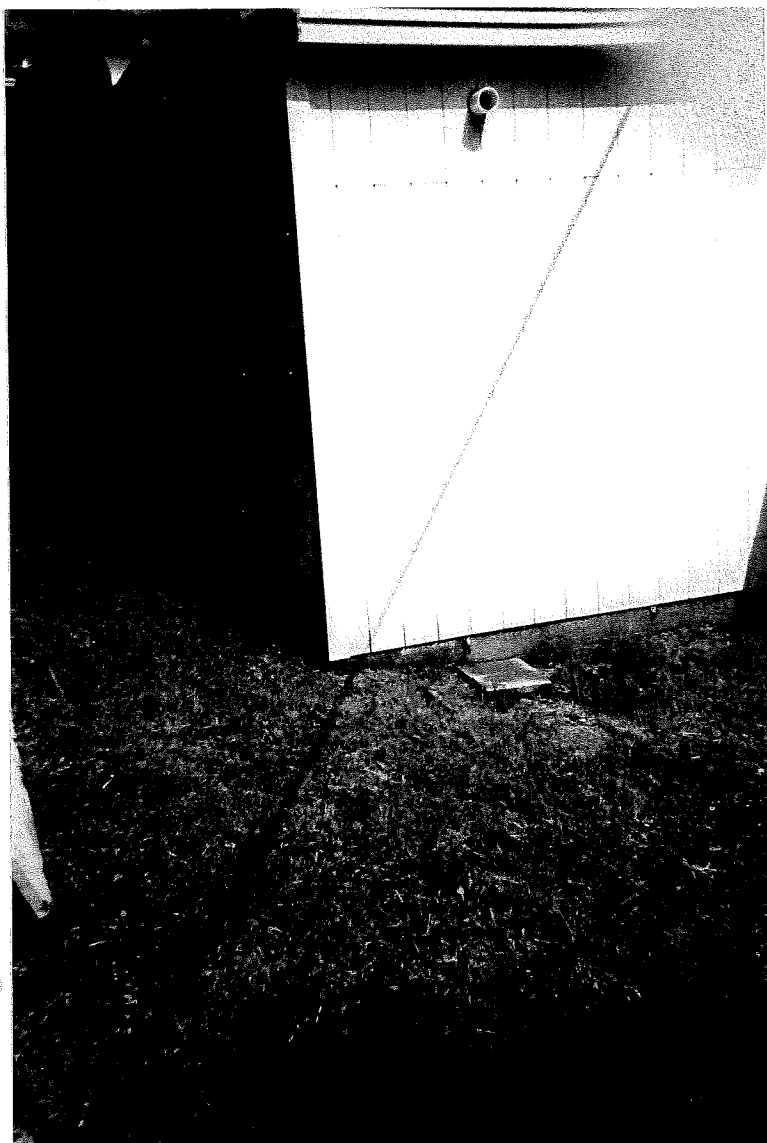


2n





20





**CITY OF PORTLAND**

January 31, 2002

Mr. Vincent Coyne  
Coyne's Laundromat  
88 Danforth Street  
Portland, ME 04102

Re: Contract Zone, 88 Danforth Street  
ID #117, CBL #44-A-21

Dear Mr. Coyne:

As you are aware, staff has concerns with the changes reflected recently in the deed and survey submitted for 88 Danforth Street. The reduction of the lot size makes the lot more nonconforming, which is not allowed. Sec. 14-422 states *"No lot shall be so reduced that yards, lot width, lot frontage, lot area, area per dwelling unit, and space for off-street parking and/or off-street loading shall be less than the minimum required under this article."*

To allow the reduction of the lot size, the Board of Appeals must approve the revision. If you wish to obtain further information on the Board of Appeals schedule and requirements, please contact Jodine Adams at 874-8701.

Once this issue has been resolved, staff will schedule the contract zone for a Planning Board public hearing. If you have any questions, please do not hesitate to contact me at 874-8901.

Sincerely,

✓Kandice Talbot  
Planner

CC: Sarah Hopkins, Development Review Services Manager  
Marge Schmuckal, Zoning Administrator  
Jodine Adams, Building Inspections Office Manager  
Penny Littell, Corporation Counsel

BEAGLE & RIDGE, LLC  
ATTORNEYS AT LAW

C. ALAN BEAGLE  
*cab@beagleridge.com*  
MARTIN J. RIDGE  
*mjr@beagleridge.com*  
BARRY T. WOODS  
*btw@beagleridge.com*

26 CITY CENTER  
P.O. BOX 7044  
PORTLAND, MAINE 04112  
(207) 773-1751  
FAX (207) 775-3382

January 25, 2002

Ms. Kandi Talbot  
Planning Department  
City of Portland  
389 Congress Street  
Portland, Maine 04101

RE: 88 Danforth Street, Portland

Dear Ms. Talbot:

As requested, enclosed is copy of the Boundary Survey for Vincent Coyne's Danforth Street property.

Very truly yours,



C. Alan Beagle

CAB/db  
Enclosure  
cc: V. Coyne

BEAGLE & RIDGE, LLC  
ATTORNEYS AT LAW

C. ALAN BEAGLE  
cab@beagleridge.com  
MARTIN J. RIDGE  
mjr@beagleridge.com  
BARRY T. WOODS  
btw@beagleridge.com

24 CITY CENTER  
P.O. BOX 7044  
PORTLAND, MAINE 04112  
(207) 773-1751  
FAX (207) 775-3382

January 24, 2002

By Facsimile (756-8258)

Ms. Kandi Talbot  
Planning Department  
City of Portland  
389 Congress Street  
Portland, Maine 04101

RE: 88 Danforth Street, Portland

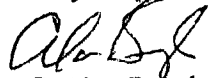
Dear Ms. Talbot:

I write in response to your request that I explain the deeds which recently established the boundary line between 88 Danforth Street, upon which Vincent Coyne operates Coyne's Laundromat and the abutting property at 92 Danforth Street. Both 88 Danforth Street and 92 Danforth Street are owned by Mr. Coyne's corporation, VMC Properties, Inc.

In July, 2001, Mr. Coyne asked Owen Haskell, Inc., land surveyors, to survey the 88 Danforth Street property as he wished to expand the laundromat building on the property. Because of the old deed descriptions he was uncertain of the precise locations of the boundaries, and wished to be certain before any construction. Steve Shaw of Owen Haskell performed the survey, and determined that in his opinion the then existing boundary actually went through a very few inches of the existing laundromat building. Mr. Shaw recommended that a very small portion (a triangle with an apex at Danforth Street, and a base of 2.72 feet at the rear boundary) of the 92 Danforth Street lot be transferred by release deed identifying the boundary to the 88 Danforth Street lot so that there was no question that the existing laundromat building was located entirely on the 88 Danforth Street lot. I drew the necessary deeds to accomplish the recommended new boundary line. As stated, the effect of the deeds was to slightly enlarge the 88 Danforth Street lot by the transfer of the small triangle of property from 92 Danforth Street. The boundary line now essentially runs parallel to the apartment house on 92 Danforth Street, probably where most people always thought it was located.

I have plans drawn by Owen Haskell showing what it determined was the original boundary line, the triangle it proposed be transferred and which was transferred, and the new boundary line. If you wish to view those plans for any reason, please call me.

Very truly yours,

  
C. Alan Beagle

CAB/db  
cc: V. Coyne

**COYNE'S LAUNDROMAT INC.**  
 88 DANFORTH STREET  
 PORTLAND, MAINE 04101  
 (207) 871-5744

EXPLANATION	AMOUNT
FEED	350

52-7445/2112

2170

CHECK  
 AMOUNT

PAY Three Hundred Fifty 00/2 DOLLARS

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NO.	AMOUNT
11/22	City of Portland	Planning 350.00	2170	\$ 350.-



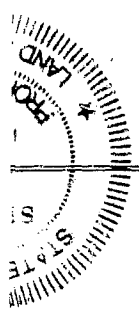
PORTLAND, MAINE

VINCENT M. COYNE

*Vincent M. Coyne*

⑈002170⑈ ⑆211274450⑆ 0292 15862⑈

SECURITY FEATURES: MICRO PRINT BORDERS - COLORED BRICK PATTERN - WATERMARK & CARBON STRIP ON REVERSE SIDE - MISSING FEATURE INDICATES A COPY



DANFORTH STREET

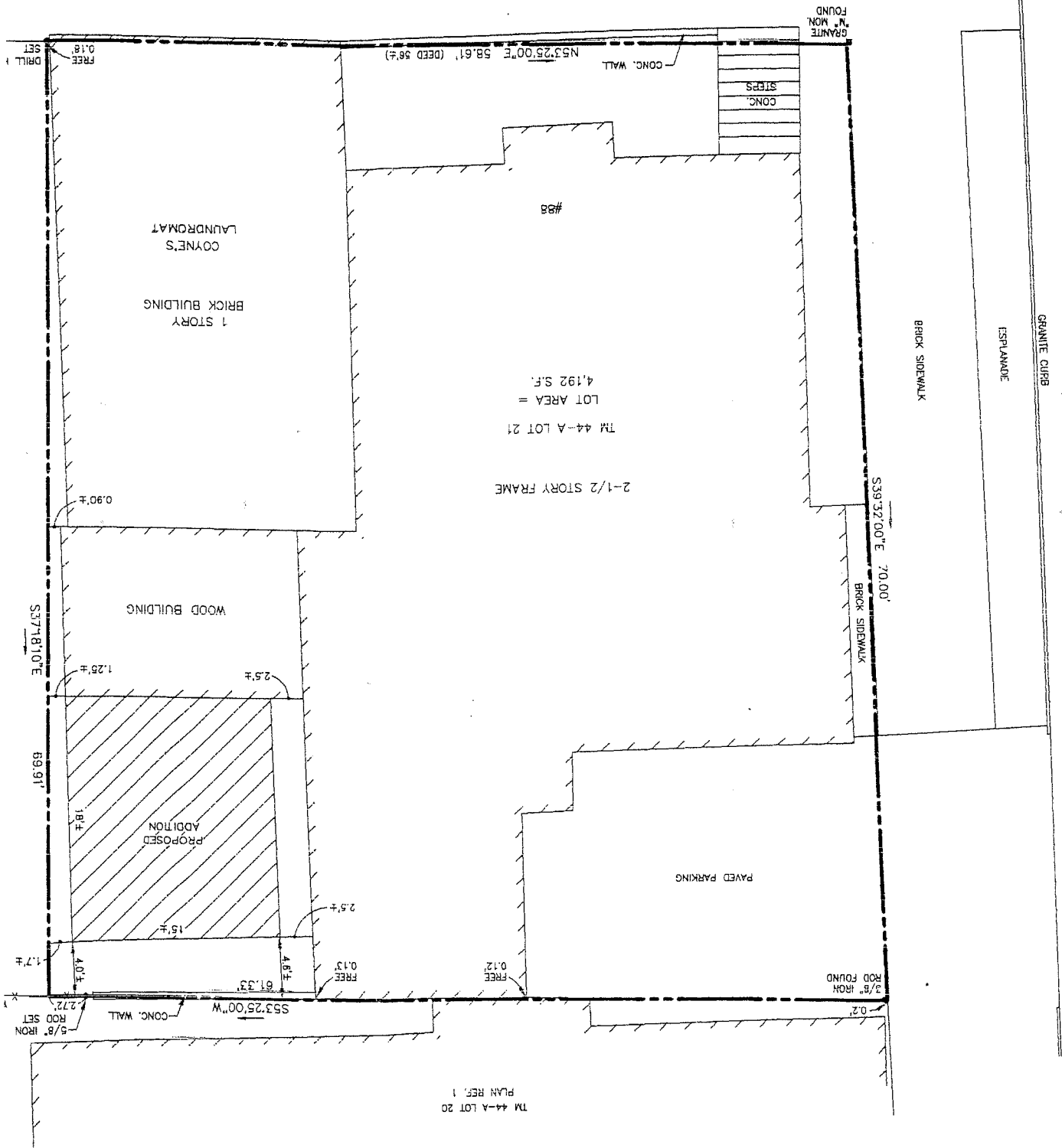
CATCH BASIN

\* LIGHT POLE FIRE BOX

BRICK SIDEWALK

PLAN

MAINE D. IN. HIGH PATED INC.



HIGH STREET

TM 44-A LOT 20 PLAN REF. 1

DANFORTH STREET

CATCH BASIN

LIGHT POLE  
FIRE BOX

BRICK SIDEWALK

FOUND  
CONC. FOUND

N53°25'00"E 58.61' (DEED 987)

CONC. WALL

CONC.  
STEPS

1 STORY  
BRICK BUILDING  
COYNE'S  
LAUNDROMAT

#88

2-1/2 STORY FRAME  
TM 44-A LOT 21  
LOT AREA =  
4,192 S.F.

BRICK SIDEWALK

ESPLANADE

GRANITE CURB

HIGH STREET

WOOD BUILDING

PROPOSED  
ADDITION

PAVED PARKING

S39°32'00"E 70.00'

BRICK SIDEWALK

S37°18'10"E

89.91'

1.7'±

4.0'±

2.72'

5/8" IRON  
ROD SET

2.72'

61.33'

4.6'±

FREE 0.13'

2.5'±

15'±

18'±

1.25'±

0.90'±

FREE 0.18'

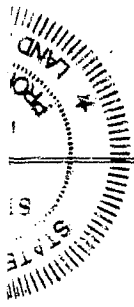
DRILL SET

2/8" IRON  
ROD FOUND

0.2'

FREE 0.12'

TM 44-A LOT 20  
PLAN REF. 1



PLAN  
MAINE  
DATED  
HIGH  
INC.

# City of Portland Planning Department

389 Congress Street, 4th Floor  
Portland, ME 04101  
(207)874-8721 or (207)874-8719  
Fax: (207)756-8258

## FAX TRANSMISSION COVER SHEET

Date: January 4, 2002  
To: Leslie Kaynor  
Company: Public Works  
Fax #: 874-8852  
From: Kandi Talbot  
RE: 88 Danforth Street

Please call if you have  
questions x8901.

Thanks.

Kandi

YOU SHOULD RECEIVE 2 PAGE(S),  
INCLUDING THIS COVER SHEET.  
IF YOU DO NOT RECEIVE ALL THE PAGES,  
PLEASE CALL (207)874-8721 OR (207)874-8719.



TM 44-A LOT 20  
PLAN REF. 1

HIGH STREET

GRANITE CURB

ESPLANADE

BRICK SIDEWALK

S39°32'00"E 70.00'

BRICK SIDEWALK

PAVED PARKING

2-1/2 STORY FRAME

TM 44-A LOT 21  
LOT AREA =  
4,192 S.F.

#88

GRANITE  
"M" MON.  
FOUND

CONC.  
STEPS

CONC. WALL

N53°25'00"E 58.61' (DEED 56'±)

BRICK SIDEWALK

1 STORY  
BRICK BUILDING  
COYNE'S  
LAUNDROMAT

WOOD BUILDING

PROPOSED  
ADDITION

S53°25'00"W

FREE  
0.13'

FREE  
0.12'

3/8" IRON  
ROD FOUND

5/8" IRON  
ROD SET

FREE  
2.72'

1.7'±

69.91'

S37°18'10"E

0.90'±

1.25'±

2.5'±

2.5'±

15'±

18'±

4.0'±

61.33'

FREE  
0.18'

DRILL  
SET

MAINE  
D IN

HIGH  
ATED  
INC.

PLAN

LIGHT  
POLE

FIRE  
BOX

CATCH  
BASIN

DANFORTH STREET

Area to be rezoned  
from R-6 to Contract  
Zone

88 Danforth  
Street



Given the unique restrictions of this site and history of the use, a contract zone may be an appropriate method to allow the expansion of the laundromat. In spite of the setback and parking issues, the laundromat does serve an important function in the neighborhood and the parcel has historically provided the neighborhood with goods and services.

1. R-6 Contract Rezoning

A contract zone may be an option to allow a laundromat use. As proposed, the addition does not meet rear and side setbacks. The required rear setback is 20 ft. and the required side setback is 10 feet. The proposal must also provide one parking space for the expansion. The applicant has stated that there is parking available at 52 High Street and 92 Danforth Street, but the Zoning Administrator has determined that those parking spaces are dedicated spaces for the existing apartments.

2. B-1 Contract Rezoning

A laundromat use would be allowed in the B-1 zone, but as proposed, setbacks and parking would be an issue and could be addressed in a contract zone. One concern with this option is that the use of the residential apartment building, located at 52 High Street, could be changed to other B-1 uses.

3. B-1b Contract Rezoning

A B-1b Contract Rezoning may also be an appropriate solution. The difference with the B-1b option would be the effect on the residential apartment building located at 52 High Street. The purpose of the B-1b zone is to provide appropriate opportunities for small-scale ground floor commercial uses in existing buildings, serving a local market, while preserving residential uses and character above the ground floor of structures. Suitable locations for this zone may include street intersections, arterial streets and sites with existing or traditional neighborhood retail and service uses.

The change from R-6 to B-1b would allow a retail use to remain in the one story building on site, which does serve a local market and is located at a street intersection. It would also permit another retail use on the first floor of the 2 ½-story apartment building. The B-1b would preserve the residential uses on the second and third floors of the residential building.

The contract zone is necessary to allow the expansion of the Laundromat.

Depending on the direction given by the Planning Board, this item will return for a subsequent workshop with the Board with a map amendment and/or draft contract language for further discussion.

Attachments:

1. Vicinity Map
2. Applicant's Submittal
3. Survey

**CITY OF PORTLAND, MAINE  
MEMORANDUM**

**TO:** Chair Caron and Members of the Portland Planning Board

**FROM:** Kandice Talbot, Planner

**DATE:** November 27, 2001

**RE:** Zone Change, 88 Danforth Street

**Introduction**

VMC Properties is requesting a zone change from R-6 Residential to a B-1 Neighborhood Business Contract zone for the property located at 88 Danforth Street. Currently located on the site is a 2 1/2-story apartment building along with a one-story laundromat.

This site previously had a convenience store, which was a grandfathered nonconforming use for many years. In 1998, the applicant proposed a change of use from convenience store to laundromat. It was determined at that time that a laundromat was a less intensive use than a convenience store and was allowed. The applicant is now proposing 270 sq. ft. addition to the rear of the laundromat for additional washers and dryer. This is an expansion of a nonconforming use and is not allowed in the R-6 zone. Also, the addition as proposed would not meet side and rear setbacks or parking requirements.

The site is approximately 3,900 sq. ft. and is located at the corner of Danforth Street and High Street. A portion of the lot includes an 8-unit apartment building on the corner of Danforth and High Streets (the laundromat is located in an addition that was constructed after the original building). This property is also located in the Western Promenade Historic District. If any external changes were to be made to either of these two buildings and visible from any street, they would be subject to Historic Preservation Review.

**Surrounding Uses**

The area surrounding 88 Danforth Street is primarily residential, although the Catherine Morrill Day Nursery is located at 96 Danforth Street and the Victoria Mansion is located at the corner of Park and Danforth Streets.

**Policy and Zoning Considerations**

The applicant is requesting this zone change to allow an expansion of a nonconforming use. The issues are 1) laundromat uses are not allowed in the R-6 zone, 2) the proposed expansion does not meet the rear and side setbacks, and 3) the proposal requires one additional parking space, which the applicant cannot provide. The applicant has requested a workshop in order to discuss some options with the Planning Board.

**CITY OF PORTLAND, MAINE  
MEMORANDUM**

**TO:** Chair Caron and Members of the Portland Planning Board  
**FROM:** Kandice Talbot, Planner  
**DATE:** January 9, 2001  
**RE:** Zone Change, 88 Danforth Street

**Introduction**

VMC Properties is requesting a zone change from R-6 Residential to the B-1 Neighborhood Business Conditional zone for the property located at 88 Danforth Street. Currently located on the site is a 2 1/2-story apartment building along with a one-story laundromat.

This site previously had a convenience store, which was a grandfathered nonconforming use for many years. In, 1998 the applicant proposed a change of use from convenience store to laundromat. It was determined at that time that a laundromat was a less intensive use than a convenience store and was allowed. The applicant is now proposing 270 sq. ft. addition to the rear of the laundromat to for additional washers and dryer. This is an expansion of a nonconforming use and is not allowed in the R-6 zone.

The site is approximately 3,900 sq. ft. and is located at the corner of Danforth Street and High Street. This property is also located in the Western Promenade Historic District. If any external changes were to be made to either of these two buildings and visible from any street, they would be subject to Historic Preservation Review.

**Surrounding Uses**

The area surrounding 88 Danforth Street is primarily residential, although the Catherine Day Morrill Day Nursery is located at 96 Danforth Street and the Victoria Mansion is located at the corner of Park and Danforth Streets.

**Policy Considerations**

The applicant is requesting this zone change to allow an expansion of a nonconforming use. The applicant has requested a workshop in order to discuss some options with the Planning Board.

1. R-6 Conditional Rezoning

Given the unique restrictions and considerations regarding this site, a contract zone may be an option to allow a laundromat use. As proposed, the addition does not meet rear and side setbacks. The required rear setback is 20 ft. and the required side setback is 10 feet. The proposal must also provide one parking space for the expansion. The applicant has stated that there is parking available at 52 High Street and 92 Danforth Street, but the Zoning Administrator has determined that those parking spaces are dedicated spaces for the existing apartments.

2. B-1 Zone Change or B-1 Conditional Zone

A B-1 zone change or conditional zone is also a possibility.

## **B-1 Conditional Zone**

A laundromat use would be allowed in the B-1 zone, but as proposed, setbacks and parking would be an issue and could be addressed in a conditional zone.

## **B-1 Zone Change**

It appears, however that the size of the addition could be oriented to meet the required setbacks and a straight B-1 zone change could be an option.

Sec. 14-334 states that required off-street parking in all nonresidential zones shall be located on the same lot with the principal building or use, or within one hundred (100) feet measured along lines of public access, except that where off-street parking cannot be provided within these limits, the Board of Appeals may permit such off-street parking to be located a reasonable distance from the principal building or use measured along lines of public access if the premises to be used for parking are held under the same ownership or lease. Evidence of such control, either deed or lease, shall be required. The Planning Board may be substituted for the Board of Appeals. It may be possible for the applicant to lease one (1) parking space within a reasonable distance.

One concern with this option is that the use of the residential apartment building, located at 52 High Street, could be changed to other B-1 uses.

### 3. B-1b Zone Change

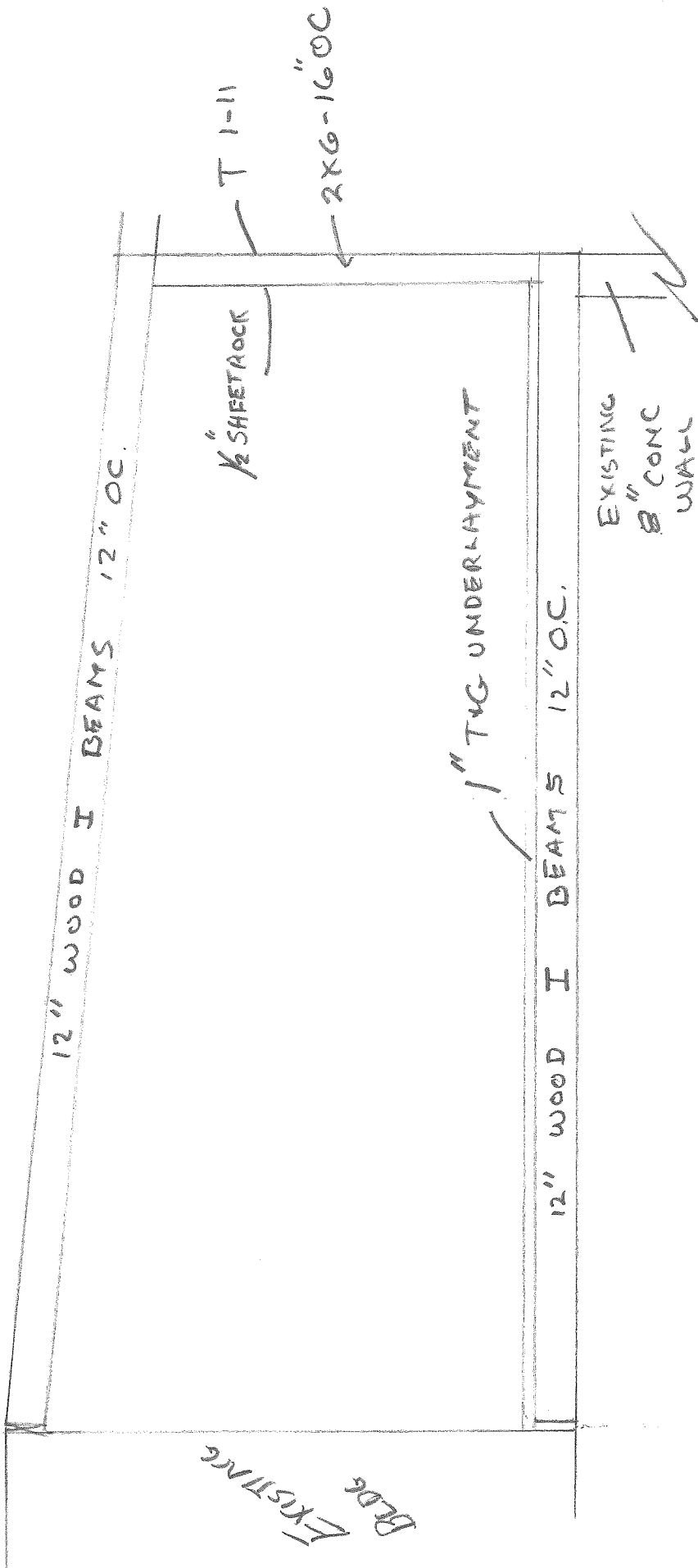
A B-1b Zone Change may be a more appropriate solution. If this were an option, the applicant would need to change the size of the addition to meet setbacks and find one parking space within reasonable distance.

The difference with the B-1b Zone Change option would be the effect on the residential apartment building located at 52 High Street. The purpose of the B-1b zone is to provide appropriate opportunities for small-scale ground floor commercial uses in existing buildings, serving a local market, while preserving residential uses and character above the ground floor of structures. Suitable locations for this zone may include street intersections, arterial streets and sites with existing or traditional neighborhood retail and service uses.

The change from R-6 to B-1b would allow a retail use to remain in the one-story building on site, which does serve a local market and is located at a street intersection. It would also permit another retail use on the first floor of the 2 1/2-story apartment building. The B-1b would preserve the residential uses on the second and third floors of the residential building.

#### Attachments:

1. Vicinity Map
2. Applicant's Submittal



12" WOOD I BEAMS 12" O.C.

1/2" SHEETROCK

T 1-11

2X6-16" O.C.

1" T&G UNDERLAYMENT

12" WOOD I BEAMS 12" O.C.

EXISTING  
8" CONC  
WALL

EXISTING  
BASE

EXISTING BLDG

3'-6"

1'-6"

LOT LINE

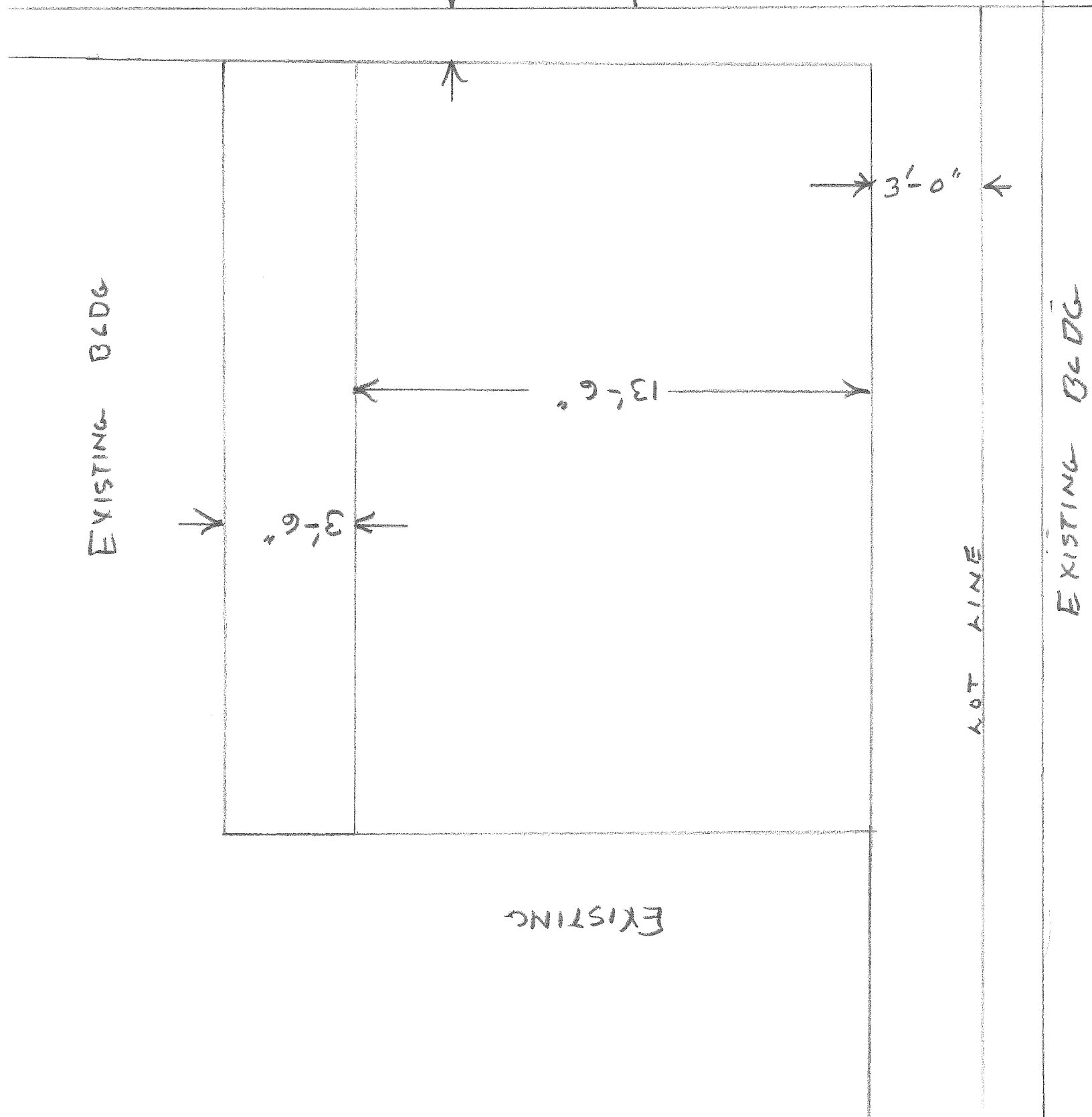
3'-0"

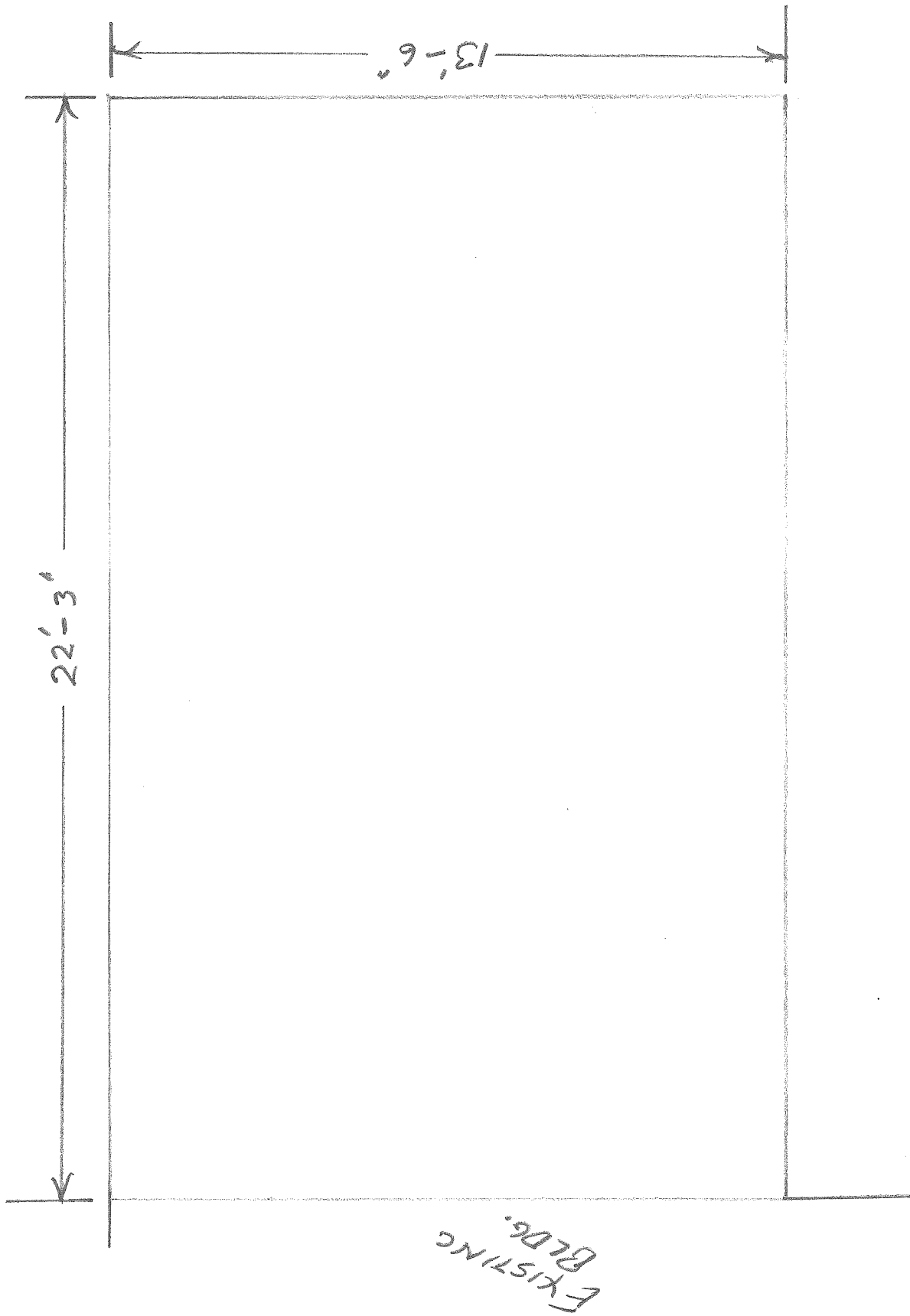
13'-6"

LOT LINE

EXISTING BLDG

EXISTING

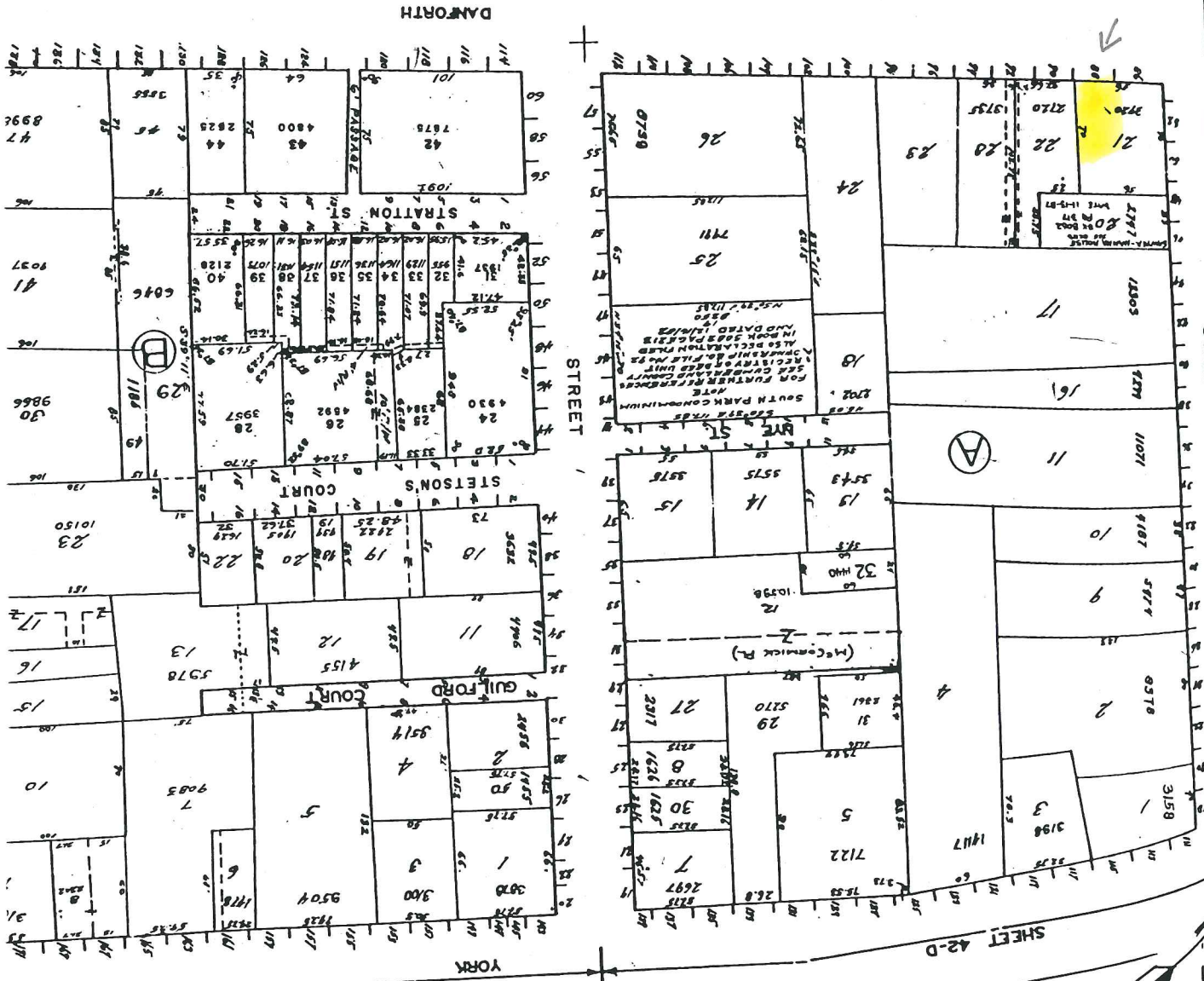
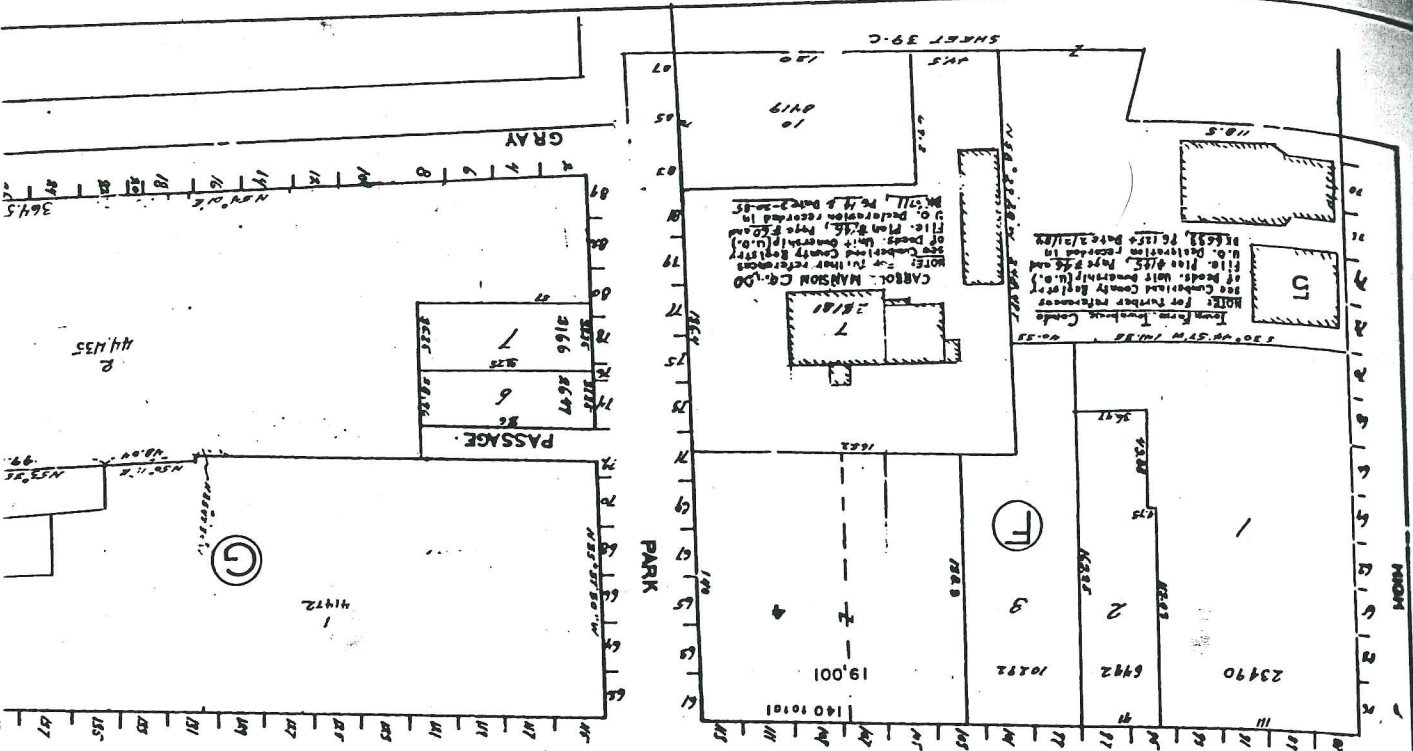






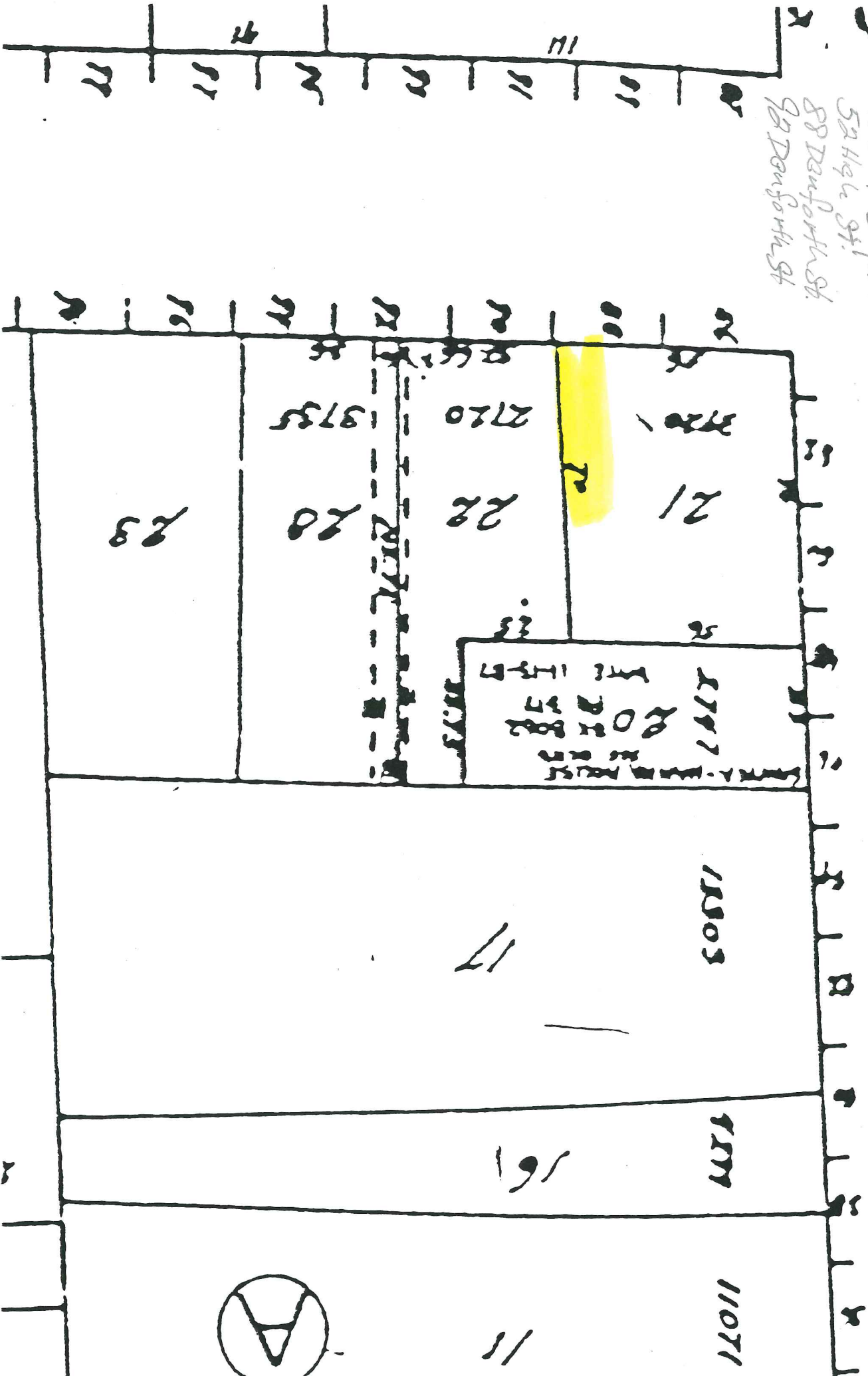


Vincent Coyne VMC Properties Inc,  
 52 High St  
 88 Danforth St  
 98 Danforth St



**SHEET 20-D** **STREET**

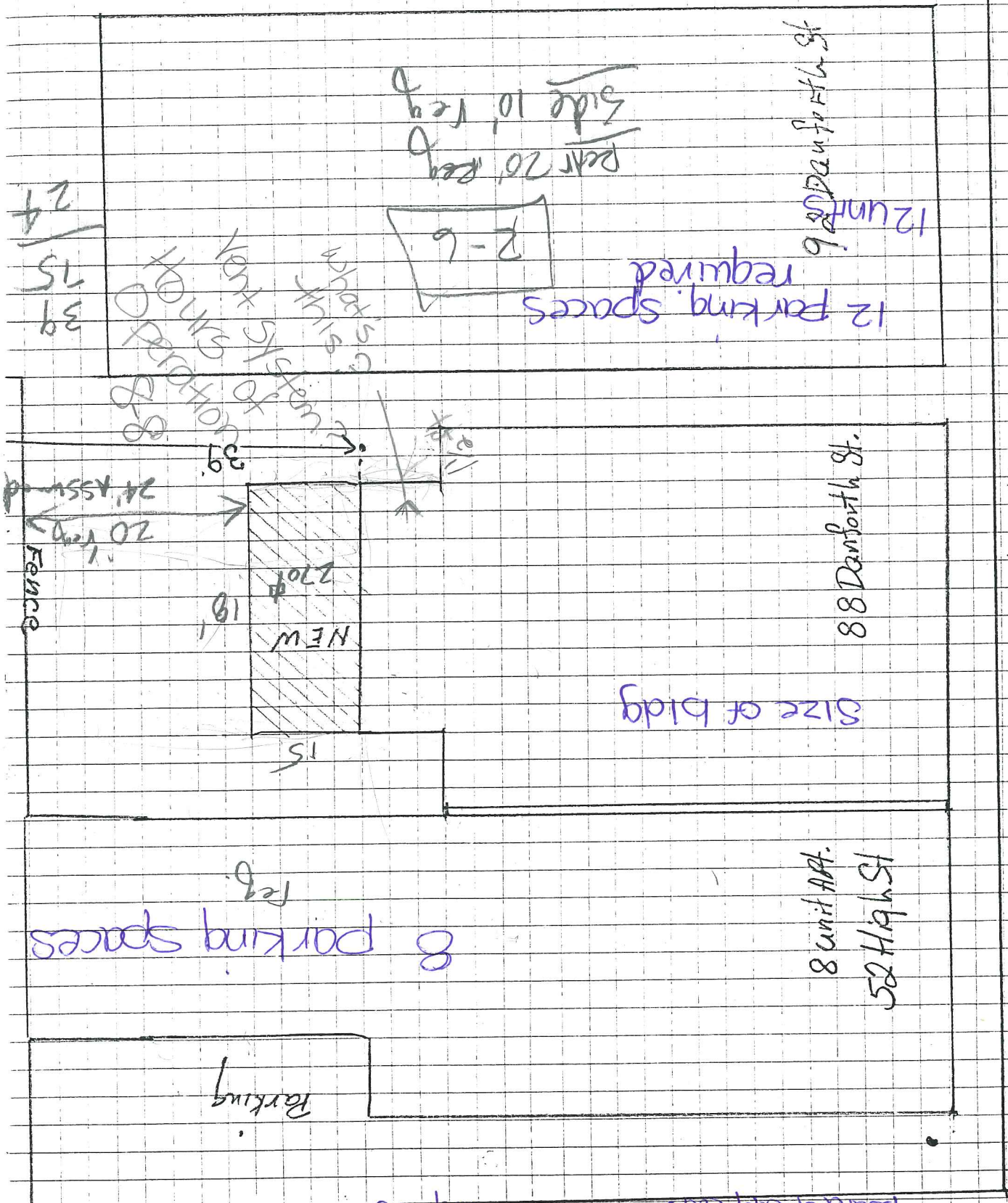
Vincent Coyne M/C Properties Inc  
52 Hq. St.  
88 Danforth St.  
92 Danforth St.





Catherine Morsi Park

Drive way



Off. Site Parking  
 if Remains R-0 zone - cond use appeal - Board of Appeals - 300ft  
 B-1 - 100ft of further  
 if ~~B~~ finds reasonable - Can be substituted  
 Board of Appeals  
 by PB  
 H. 94 St  
 Lot line

KEEP THIS PORTION

**REAL ESTATE PROPERTY TAX STATEMENT**  
City of Portland

<sup>2001</sup>  
Fiscal Year

July 1, 2000 - June 30, 2001  
Owner of Record as of April 1, 2000

**VMC PROPERTIES INC**  
**51 WOODFIELD RD**  
**PORTLAND, ME 04102**



ACCOUNT NUMBER  
**000006362**

CBL  
**044 - A - 021 - 001**

LENDING INST.

Assessed Property Description  
**44-A-21**  
**DANFORTH ST 86-88**  
**HIGH ST 50-52**  
**3920 SF**

**CURRENT BILLING DISTRIBUTION**

School	\$2,539.95
Public Works	\$265.58
Parks & Recreation	\$169.01
Fire	\$357.33
Police	\$371.82
Debt Repayments	\$545.65
General Government	\$236.61
County	\$140.04
Health & Human Services	(\$101.40)
Library	\$154.52
Metro Transit District	\$106.23
Enterprise Funds	(\$43.46)
Regional Waste Systems	\$86.92

**CURRENT BILLING INFORMATION**

Land Value	\$31,400.00
Building Value	\$169,800.00
Total Value	\$201,200.00
Exemptions	\$0.00
Homestead	\$0.00
Taxable Value	\$201,200.00
Tax Rate	24.00
<b>TOTAL TAX</b>	<b>\$4,828.80</b>
<b>AMOUNT PAID</b>	<b>\$0.00</b>

**Remittance Instructions**

To avoid standing in line, it is recommended that taxes be paid by mail. Please make check or money order payable to: **CITY OF PORTLAND**. **Credit cards are not accepted for property tax payments.**

Use enclosed envelope to mail in your payment.

Please be sure remittance address on back side of **RETURN** portion of this tax bill is clearly visible through the window in the return envelope.

Use top right margin for change of address.

52-7445/2112

1685

CHECK AMOUNT

2414.40

E

LE

TTS



Alt. 4 n



Att. 40

